

BOARD OF SUPERVISORS

MINUTES

SEPTEMBER 21, 2005

Supervisors in Attendance:

Mr. Edward B. Barber, Chairman
Mr. R. M. "Dickie" King, Jr.,
Vice Chairman
Mrs. Renny Bush Humphrey
Mr. Kelly E. Miller
Mr. Arthur S. Warren

Mr. Lane B. Ramsey
County Administrator

Staff in Attendance:

Colonel Carl R. Baker,
Police Department
Mr. George Braunstein,
Exec. Dir., Community
Services Board
Mr. Craig Bryant, Dir.,
Utilities
Ms. Jana Carter, Dir.,
Youth Planning and
Development
Ms. Marilyn Cole, Asst.
County Administrator
Ms. Mary Ann Curtin, Dir.,
Intergovtl. Relations
Mr. Charles Dane, Asst.
Dir., External Services
Ms. Rebecca Dickson, Dir.,
Budget and Management
Mr. William Dupler,
Building Official
Ms. Lisa Elko, CMC,
Clerk
Ms. Karla Gerner, Dir.,
Human Resource Mgmt.
Mr. Michael Golden, Dir.,
Parks and Recreation
Dep. Chief James Graham,
Fire and EMS Dept.
Mr. Bradford S. Hammer,
Deputy Co. Admin.,
Human Services
Mr. John W. Harmon,
Right-of-Way Manager
Mr. Donald Kappel, Dir.,
Public Affairs
Mr. R. John McCracken,
Dir., Transportation
Mr. Richard M. McElfish,
Dir., Env. Engineering
Mr. Steven L. Micas,
County Attorney
Mr. Francis Pitaro, Dir.,
General Services
Mr. James J. L. Stegmaier,
Deputy Co. Admin.,
Management Services
Mr. M. D. Stith, Jr.,
Deputy Co. Admin.,
Community Development
Mr. Kirk Turner, Dir.,
Planning
Sheriff Clarence Williams,
Sheriff's Department

Ms. Judy L. Worthington,
Circuit Court Clerk

Mr. Barber called the regularly scheduled meeting to order at 4:13 p.m.

1. APPROVAL OF MINUTES FOR AUGUST 24, 2005

On motion of Mr. Miller, seconded by Mr. King, the Board approved the minutes of August 24, 2005, as submitted.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

2. COUNTY ADMINISTRATOR'S COMMENTS

Ms. Lynda Price, Emergency Management Coordinator, provided details of efforts by Chesterfield County to support the victims of Hurricane Katrina.

Mr. Warren suggested that the Board recognize those who have been deployed to assist the hurricane victims upon their return.

Mrs. Humphrey expressed appreciation to all county residents who have participated in hurricane relief efforts.

Mr. Miller cautioned the Board relative to fraudulent requests for monetary relief as a result of the hurricane.

Mr. Ramsey stated county employees are providing direct services rather than money to assist the hurricane victims. He noted the Chesterfield Employees Association collected \$8,000 in donations to the American Red Cross for hurricane relief.

Mr. King recommended that the county carefully screen all applicants for hurricane relief services.

3. BOARD COMMITTEE REPORTS

There were no Board committee reports at this time.

4. REQUESTS TO POSTPONE ACTION, ADDITIONS, OR CHANGES IN THE ORDER OF PRESENTATION

On motion of Mr. King, seconded by Mr. Barber, the Board added Item 8.C.2.i., Resolution Recognizing the County's Relief Efforts in Support of Hurricane Katrina Victims; added Item 8.C.2.j., Resolution Recognizing Mr. B. R. Wilkinson, License Inspection Department, Upon His Retirement; added Item 9., Hearings of Citizens on Unscheduled Matters - Mr. Mike Harton Will Address the Board on Behalf of the Task Force for Responsible Growth Regarding the Placement of the New Middle School; replaced Item 10.B., Report on the Status of General Fund Balance, Reserve for Future Capital Projects, District Improvement Funds and Lease Purchases; added Item 15.K., Hearings of Citizens on Unscheduled Matters or Claims

- Mr. Bob Herndon Will Address the Board Regarding an Item He Believes Should Be Added to the Board of Supervisors' 2006 Legislative Package; replaced Item 16.A., Public Hearing to Consider Amendments to Sections 14-14 Through 14-16 of the County Code Regulating the Use of Pneumatic Guns in the County; replaced Item 16.C., Public Hearing to Consider Amendments to Sections 19-185, 19-192, 19-195, 19-199, and 19-523 of the County Code Relating to Setbacks in Industrial Zoned Districts; and adopted the Agenda, as amended.

Ayes: Barber, King, Humphrey, Miller and Warren.
Nays: None.

5. RESOLUTIONS AND SPECIAL RECOGNITIONS

5.A. RECOGNIZING MASTER DEPUTY THOMAS B. GILMER, SHERIFF'S DEPARTMENT, UPON HIS RETIREMENT

Sheriff Williams introduced Mr. Rick Jeffries, President of the Special Olympics of Virginia to make a special presentation to Master Deputy Thomas Gilmer.

Mr. Jeffries presented Deputy Gilmer with an engraved plaque in appreciation of his commitment to the Special Olympics.

Sheriff Williams then called forward Master Deputy Gilmer to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, Master Deputy Thomas B. Gilmer began working for the Chesterfield County Sheriff's Office on May 20, 1980, serving in the jail dealing with inmates entrusted to the Sheriff's care; and

WHEREAS, from May 1982 to May 1984, Deputy Gilmer served as Transportation Deputy for the Jail; and

WHEREAS, in December 1985 Deputy Gilmer was transferred to the Court Services Division and Civil Process Section serving civil process papers; and

WHEREAS, in the year 2001 Deputy Gilmer received a Letter of Commendation and Celebrating Success Award for being instrumental in the Special Olympics and the Seniors In Touch Program; and

WHEREAS, in September 2001 Deputy Gilmer was reassigned to the Court's division where he proved to be an invaluable asset to the Court Services Division; and

WHEREAS, in September 2003 Deputy Gilmer was nominated Employee of the Quarter for the Chesterfield County Sheriff's Office, because of his desire to do a good job and his ability to perform at a high level, always striving for excellence and going beyond the call of duty; and

WHEREAS, Deputy Gilmer was promoted to Master Deputy in October 2004; and

WHEREAS, throughout his career, Deputy Gilmer has volunteered for the Law Enforcement Torch Run, benefiting

Virginia Special Olympics, raising over \$25,000 for the special athletes of Chesterfield County.

NOW, THEREFORE, BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 21st day of September 2005, publicly recognizes the outstanding contributions of Master Deputy Thomas B. Gilmer, expresses the appreciation of all residents for his service to Chesterfield County, extends appreciation for his dedicated service to the county and congratulations upon his retirement, as well as best wishes for a long and happy retirement.

AND, BE IT FURTHER RESOLVED, that a copy of this resolution be presented to Deputy Gilmer and that this resolution be permanently recorded among the papers of this Board of Supervisors of Chesterfield County, Virginia.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

Mr. Miller presented the executed resolution to Deputy Gilmer, accompanied by Sheriff Williams, expressed appreciation for his dedicated service and congratulated him on his retirement.

Deputy Gilmer stated he has enjoyed his service with the Sheriff's Department.

5.B. RECOGNIZING MS. TERRY MINOR FOR HER SERVICE TO THE CHESTERFIELD COUNTY PARKS AND RECREATION ADVISORY COMMISSION AND THE COUNTY

Mr. Golden introduced Ms. Terry Minor who was present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, the Chesterfield County Parks and Recreation Advisory Commission was established in 1993 by the Board of Supervisors for the purpose of assessing the recreation needs of the county, advising the Board of Supervisors and county staff, and making specific recommendations on the most equitable use of facilities; and

WHEREAS, Ms. Terry Minor was appointed as a member of the Commission representing the Clover Hill Magisterial District in January 2000, and since that time has served the citizens of Chesterfield with distinction; and

WHEREAS, Ms. Minor served as Chairperson of the Budget Committee and the Master Plan Committee and served continuously on the Athletics Activities Committee, the Budget Committee and the Capital Projects Committee as she worked to resolve issues and bring forth policy recommendations later adopted by the Commission; and

WHEREAS, the Commission provided guidance and direction on development of a Parks and Recreation Master Plan and set standards for capital improvements for new facilities; and

WHEREAS, the Commission set schedules for sports season dates and recommended assignments of facilities to cosponsored leagues; and

WHEREAS, the Commission strongly supported the passage of the 2004 Bond Referendum and the resulting acquisition and development of new parks and recreation facilities throughout the county; and

WHEREAS, the Commission developed a Recreational Volunteers Recognition Program, with the first awards ceremonies held in the spring of 2004; and

WHEREAS, Ms. Minor has contributed greatly to the Chesterfield community through her own volunteerism, serving in the capacity of President and Vice President of the A.M. Davis Athletic Association.

NOW, THEREFORE, BE IT RESOLVED that the Chesterfield County Board of Supervisors, this 21st day of September 2005, publicly recognizes and commends Ms. Terry Minor for her dedicated and outstanding service to the Parks and Recreation Advisory Commission and to the citizens of Chesterfield County.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

Mr. Warren presented the executed resolution to Ms. Minor, accompanied by Mr. Golden and Mr. Dennis Harding, Vice Chairman of the Parks and Recreation Advisory Commission, and expressed appreciation for her contributions to the Parks and Recreation Advisory Commission.

Ms. Minor thanked the Board for the recognition.

Mr. Harding expressed appreciation for Ms. Minor's service on behalf of the Parks and Recreation Advisory Commission.

5.C. RECOGNIZING OCTOBER 9-15, 2005, AS "FIRE PREVENTION WEEK"

Lieutenant Pete Hypes came forward to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, the County of Chesterfield is committed to ensuring the safety and security of all those living in and visiting our county; and

WHEREAS, fire is a serious public safety concern both locally and nationally, and homes are the locations where people are at greatest risk from fire; and

WHEREAS, the National Fire Protection Association (NFPA) has documented through its research a significant increase in home candle fires, even as most other causes of home fires have steadily declined; and

WHEREAS, Chesterfield Fire and Emergency Medical Services first responders are dedicated to reducing the occurrence of home fires and home fire injuries through prevention and protection education; and

WHEREAS, Chesterfield County residents are responsive to public education measures and are able to take personal steps to increase their safety from fire; and

WHEREAS, using proper care with candles will have a positive effect on the home fire problem; and

WHEREAS, each candle fire that is prevented in Chesterfield County is an opportunity to prevent painful injury and costly property damage; and

WHEREAS, the 2005 Fire Prevention Week theme, "Use Candles with Care: When You Go Out, Blow Out!" effectively serves to remind us all of the simple actions we can take to stay safer from fire during Fire Prevention Week and year-round.

NOW, THEREFORE, BE IT RESOLVED that the Chesterfield County Board of Supervisors, this 21st day of September 2005, publicly recognizes the week of October 9-15, 2005, as "Fire Prevention Week" throughout this county, and urges all people of Chesterfield County to heed the important safety messages of Fire Prevention Week 2005, and to support the many public safety activities and efforts of Chesterfield County's Fire and Emergency Medical Services.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

Mrs. Humphrey presented the executed resolution to Lieutenant Hypes and expressed appreciation for the fire department's fire prevention efforts.

Mr. Miller excused himself from the meeting.

Mr. Barber stated there is an additional consent item that was inadvertently omitted from the motion to amend the agenda.

Mr. Barber then made a motion, seconded by Mr. King, for the Board to suspend its rules to add an additional item to the agenda.

Ayes: Barber, King, Humphrey and Warren.

Nays: None.

Absent: Miller.

Mr. Miller returned to the meeting.

Mr. Barber then made a motion, seconded by Mr. King, for the Board to further amend its agenda by adding Item 8.C.20.b., Donation of District Improvement Funds from the Bermuda, Clover Hill, Dale, Matoaca and Midlothian District Improvement Funds to the American Red Cross for Hurricane Katrina Relief.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

6. WORK SESSIONS

There were no work sessions at this time.

7. DEFERRED ITEMS

O TO CONSIDER AMENDING COUNTY CODE SECTION 15-196 RELATING TO RATES FOR TAXI SERVICES

Mr. Micas stated the Board held a public hearing on July 27, 2005 to consider an ordinance amendment relating to rates for taxi services. He further stated there has not been a rate increase since 1999. He stated Henrico, Richmond and Hanover have all adopted ordinances to increase taxicab rates by 10 cents from 30 cents every one-fifth mile to 40 cents every one-fifth mile.

Mr. Barber stated the Taxicab Advisory Committee supports the increased rates.

On motion of Mr. Barber, seconded by Mr. King, the Board adopted the following ordinance:

AN ORDINANCE TO AMEND THE CODE OF THE COUNTY OF CHESTERFIELD, 1997, AS AMENDED, BY AMENDING AND RE-ENACTING SECTION 15-196 RELATING TO RATES FOR TAXI SERVICES

BE IT ORDAINED by the Board of Supervisors of Chesterfield County:

(1) That Section 15-196 of the Code of the County of Chesterfield, 1997, as amended, is amended and re-enacted to read as follows:

Sec. 15-195. Rates--Generally.

Except as otherwise provided in this article, it shall be unlawful for the owner or driver of any taxicab to charge a rate above or below the rates established by the board of supervisors.

Sec. 15-196. Same--Enumerated; special discount for elderly passengers and disabled passengers.

(a) Taxicab drivers shall charge passengers:

For the first one-fifth mile . . . \$2.50

For each succeeding one-fifth mile . . . 0.40

For each one minute of waiting time . . . 0.30

For each additional passenger over one (children six years of age or younger, when accompanying a fare-paying passenger, shall not be deemed additional passengers) . . . 1.00

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(2) That this ordinance shall become effective October 1, 2005.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

8. NEW BUSINESS

8.A. STREETLIGHT INSTALLATION COST APPROVALS

On motion of Mrs. Humphrey, seconded by Mr. King, the Board approved the following streetlight installations:

Bermuda District

- In the Amstel Bluff Subdivision, at the intersection of Bluff Ridge Drive and Bluff Ridge Court
Cost to install streetlight: \$514.00

Matoaca District

- In the McCormick Woods Subdivision, Fox Maple Court, in the vicinity of 21225
Cost to install streetlight: \$970.35

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

8.B. APPOINTMENTS

On motion of Mrs. Humphrey, seconded by Mr. Miller, the Board suspended its rules at this time to allow for simultaneous nomination/appointment/reappointment of members to serve on the Chesterfield Community Services Board, Youth Services Citizen Board, Virginia's Gateway Region Board and the Board of Directors of Substance Abuse Free Environment Incorporated (SAFE).

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

8.B.1. CHESTERFIELD COMMUNITY SERVICES BOARD

On motion of Mr. Miller, seconded by Mr. Barber, the Board simultaneously nominated/appointed Linda C. Kendall, Ph.D. to serve as an at-large member on the Chesterfield Community Services Board.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

8.B.2. YOUTH SERVICES CITIZEN BOARD

On motion of Mr. Barber, seconded by Mr. King, the Board simultaneously nominated/appointed Ms. Megan Thomas and Ms. Peyton Stroud, representing the Midlothian District, to serve as student members of the Youth Services Citizen Board, whose term is effective immediately and expires June 30, 2006.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

8.B.3. VIRGINIA'S GATEWAY REGION BOARD

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board simultaneously nominated/reappointed Mr. Gary Thomson, Mr. R. M. "Dickie" King, Jr. and Mr. Bob Walker to serve on Virginia's Gateway Region Board, whose terms are effective September 30, 2005 and expire September 30, 2006.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

8.B.4. BOARD OF DIRECTORS OF SUBSTANCE ABUSE FREE ENVIRONMENT INCORPORATED

On motion of Mr. Warren, seconded by Mr. Miller, the Board simultaneously nominated/appointed Mr. M. Imad Damaj, representing the Clover Hill District, to serve on the Board of Directors of Substance Abuse Free Environment Incorporated (SAFE), whose term is effective October 1, 2005 and expires September 30, 2008.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

8.C. CONSENT ITEMS

8.C.1. ACCEPTANCE OF AND APPROPRIATION OF GRANT AWARDED BY THE UNITED STATES DEPARTMENT OF JUSTICE TO UPGRADE AND ENHANCE THE POLICE DEPARTMENT'S FORENSICS UNIT

On motion of Mr. King, seconded by Mrs. Humphrey, the Board authorized the Police Department to accept and appropriate an award from the Department of Justice, Office of Community Oriented Policing Services Technology Grant Program in the amount of \$98,664 to upgrade and enhance the Police Department's Forensics Unit, and authorized the County Administrator to execute all documents.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

8.C.2. ADOPTION OF RESOLUTIONS

8.C.2.a. RECOGNIZING LIEUTENANT ANDREW D. MCLAURIN, CHESTERFIELD FIRE AND EMERGENCY MEDICAL SERVICES DEPARTMENT, UPON HIS RETIREMENT

On motion of Mr. King, seconded by Mrs. Humphrey, the Board adopted the following resolution:

WHEREAS, Lieutenant Andrew D. McLaurin retired from the Fire and Emergency Medical Services Department, Chesterfield County, on August 1, 2005; and

WHEREAS, Lieutenant McLaurin attended Recruit School Number 3 in 1972 and Recruit School Number 12 in 1982 and has faithfully served the county for nearly 29 years in various assignments as a Firefighter at the Bon Air and Dutch Gap stations; as a Sergeant at the Bon Air, Chester, Ettrick and Airport stations; as a Lieutenant at the Airport and Ettrick

stations; and as a Lieutenant serving as the first Tactical Safety Officer; and

WHEREAS, Lieutenant McLaurin served faithfully in various group activities for the betterment of the Chesterfield Fire and Emergency Medical Services Department including the CFEMS Employee Involvement Group for seven years; as the editor the CFEMS Newsletter "The Beacon" for three years; as the Secretary of the Chesterfield Professional Firefighters Association for three years; as the Secretary/Treasurer of the Chesterfield Professional Firefighters Association for eight years; as the Acting Administrative Officer for "C" Shift for three years; as a member of the CFEMS Strategic Planning Focus Group for one year; and as a member of the CFEMS Cultural Diversity Focus Group for three years; and

WHEREAS, Lieutenant McLaurin has been continuously recognized as an effective company officer at numerous emergency scenes and for providing exceptional leadership to many firefighters throughout his entire career.

NOW, THEREFORE, BE IT RESOLVED that the Chesterfield County Board of Supervisors recognizes the contributions of Lieutenant Andrew D. McLaurin, expresses the appreciation of all residents for his service to the county, and extends appreciation for his dedicated service and congratulations upon his retirement.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

**8.C.2.b. RECOGNIZING FIREFIGHTER BARRY L. MATHEWS,
CHESTERFIELD FIRE AND EMERGENCY MEDICAL SERVICES
DEPARTMENT, UPON HIS RETIREMENT**

On motion of Mr. King, seconded by Mrs. Humphrey, the Board adopted the following resolution:

WHEREAS, Firefighter Barry L. Mathews retired from the Fire and Emergency Medical Services Department, Chesterfield County, on August 1, 2005; and

WHEREAS, Firefighter Mathews attended Recruit School Number 7 and has faithfully served the county for nearly 27 years in various assignments as a Firefighter/EMT at the Midlothian, Bon Air, Cloverhill, Manchester and Courthouse Road fire stations; and

WHEREAS, Firefighter Mathews was named the 1994 Career Firefighter of the Year; and

WHEREAS, in 1989 Firefighter Mathews was instrumental in developing the computer program to run the Mask repair shop located at the Manchester Fire Station; and

WHEREAS, Firefighter Mathews worked with the department's Information Management Technology Division to set the initial installation of computers in Chesterfield County Fire Stations; and

WHEREAS, throughout his career Firefighter Mathews has led various computer projects that have benefited the Fire Department; and

WHEREAS, Firefighter Mathews' knowledge and computer skills have been used to increase the operating proficiency of the department; and

WHEREAS, Firefighter Mathews has mentored and developed many firefighters throughout his career; and

WHEREAS, Firefighter Mathews has responded to every need of the Fire Department, including his willingness to provide additional expertise in the technology field, his dedication to public service, his willingness to work long hours, and his creativity to develop beneficial computer programs that have all earned him the respect and admiration of the Fire Department; and

NOW, THEREFORE, BE IT RESOLVED that the Chesterfield County Board of Supervisors recognizes the contributions of Firefighter Barry L. Mathews, and expresses the appreciation of all residents for his service to the County, and extends their appreciation for his dedicated service and their congratulations upon his retirement.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

8.C.2.c. APPROVING AN AMENDMENT TO THE SERVICE AGREEMENT WITH THE RIVERSIDE REGIONAL JAIL AUTHORITY

On motion of Mr. King, seconded by Mrs. Humphrey, the Board adopted the following resolution:

Riverside Regional Jail Authority (the "Authority"), the County of Charles City, the County of Chesterfield, the City of Colonial Heights, the City of Hopewell, the City of Petersburg, the County of Prince George and the County of Surry (together, the Member Jurisdictions"); and

WHEREAS the original Service Agreement was entered into by the above parties on August 27, 1992, and was amended on June 23, 1993; September 26, 1994 and December 14, 1994; and

WHEREAS, the Riverside Regional Jail was completed in July 1997, and is currently at its anticipated operating capacity, requiring an expansion of the facility in order to house the inmates from the Member Jurisdictions; and

WHEREAS, the parties desire to amend the Service Agreement to allow the expansion to take place.

NOW THEREFORE, BE IT RESOLVED by the Chesterfield County Board of Supervisors that the Fourth Amendment to the Riverside Regional Jail Authority Service Agreement is hereby approved, and the Chief Administrative Officer is hereby authorized to execute such document on behalf of the governing body.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

**8.C.2.d. RECOGNIZING SEPTEMBER 26, 2005, AS "FAMILY DAY" IN
CHESTERFIELD COUNTY**

On motion of Mr. King, seconded by Mrs. Humphrey, the Board adopted the following resolution:

WHEREAS, the observance of "Family Day - A Day to Eat Dinner with Your Children" provides a unique opportunity for families in Chesterfield County to join one another at the dinner table as a means of strengthening family relationships; and

WHEREAS, parental influence is known to be one of the most crucial factors in determining the likelihood of substance abuse by teenagers; and

WHEREAS, surveys conducted by the National Center on Addiction and Substance Abuse have consistently found that children and teenagers who routinely eat dinner with their families are far less likely to use cigarettes, alcohol and illegal drugs; and

WHEREAS, meal times offer opportunities for families to spend time together, providing a basic structure that strengthens and encourages lasting relationships; and

WHEREAS, young people from families who almost never eat dinner together compared to those that do are 72 percent more likely to use cigarettes, alcohol and illegal drugs; and

WHEREAS, the correlation between family dinners and reduced risk for teen substance abuse is well documented; and

WHEREAS, Chesterfield County Youth Planning and Development and SAFE, Chesterfield's substance abuse prevention coalition, are promoting the importance of family dinners to parents in Chesterfield County, Virginia; and

WHEREAS, the Chesterfield County Board of Supervisors recognizes that eating dinner as a family is an important step toward raising drug-free children.

NOW, THEREFORE, BE IT RESOLVED that the Chesterfield County Board of Supervisors recognizes Monday, September 26, 2005, as "Family Day - A Day to Eat Dinner With Your Children," to recognize the positive impact of strong family interaction on the well being and future success of the young people in Chesterfield County.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

**8.C.2.e. RECOGNIZING OCTOBER 2-8, 2005, AS "PARALEGALS WEEK"
IN CHESTERFIELD COUNTY**

On motion of Mr. King, seconded by Mrs. Humphrey, the Board adopted the following resolution:

WHEREAS, the United States of America is a nation of laws; and

WHEREAS, our legal system depends not only on attorneys and judges, but also on legal assistants and paralegals who provide skilled and essential professional services to licensed attorneys and to local governments throughout the Commonwealth of Virginia and the nation; and

WHEREAS, becoming a legal assistant or paralegal is a commitment that requires dedication and specialized training; and

WHEREAS, the Virginia Alliance of Paralegal Associations (VAPA) issues educational standards and professional guidelines for legal assistants; and

WHEREAS, research and administrative work are important components of the work performed by legal assistants and paralegals to assist attorneys; and

WHEREAS, VAPA proudly sponsors educational programs, professional seminars and forums to hone the skills of legal assistants and paralegals; and

WHEREAS, VAPA encourages adherence to rigorous professional standards that guide the ethics and professionalism of its members; and

WHEREAS, the Commonwealth of Virginia and the nation are well-served by VAPA and its members; and

WHEREAS, this Board of Supervisors recognizes the value of these professionals to the orderly and efficient operation of Chesterfield County's government; and

WHEREAS, it is appropriate to share in Governor Mark Warner's recognition of October 2-8, 2005, as "Paralegals' Week."

NOW, THEREFORE, BE IT RESOLVED that the Chesterfield County Board of Supervisors recognizes the outstanding contributions of legal assistants and paralegals in Chesterfield County and throughout the Commonwealth of Virginia and the nation, extends its appreciation to these dedicated professionals during "Paralegals Week," and wishes all who share in this proud professional field continued success and much gratitude on this occasion.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

8.C.2.f. RECOGNIZING DEPUTY WILLIAM A. BEASLEY, SHERIFF'S OFFICE, UPON HIS RETIREMENT

On motion of Mr. King, seconded by Mrs. Humphrey, the Board adopted the following resolution:

WHEREAS, Deputy William A. Beasley began his public service with Chesterfield County as a Jail Deputy for the Sheriff's Office in May 1987 and was transferred to the Civil Process Unit in July 1988; and

WHEREAS, Deputy Beasley was promoted to the rank of Corporal at the jail and held this position until this rank was abolished in October 1993; and

WHEREAS, Deputy Beasley then served as a control room operator at the jail until his transfer to courts in March 2001 where he served until his retirement; and

WHEREAS, Deputy Beasley was selected as Employee of the Quarter for the Jail Division in June 1989 and for the Courts Division in October 2001; and

WHEREAS, Deputy Beasley was instrumental in developing the procedures for the new juvenile courthouse and holding area; and

WHEREAS, Deputy Beasley was certified as a Department of Criminal Justice Services and American Red Cross CPR instructor and was able to pass on his knowledge in this capacity to new recruits as well as Senior Officers during in-service classes; and

WHEREAS, Deputy Beasley assisted with the creation of the Field Training Officer program and its implementation; and

WHEREAS, Deputy Beasley contributed numerous hours assisting with the Special Olympics in many different capacities; and

WHEREAS, Deputy Beasley's desire to do a good job has been a primary factor that has permitted him to perform at a very high level, always striving for excellence and going beyond the call of duty while serving Chesterfield County for eighteen years.

NOW, THEREFORE, BE IT RESOLVED that the Chesterfield County Board of Supervisors recognizes the outstanding contributions of Deputy William A. Beasley, expresses the appreciation of all residents for his service to the county, and extends appreciation for his dedicated service, congratulations upon his retirement, and best wishes for a long and happy retirement.

Ayes: Barber, King, Humphrey, Miller and Warren.
Nays: None.

8.C.2.g. RECOGNIZING THE TIES BETWEEN CHESTERFIELD COUNTY, VIRGINIA AND ASHFORD, KENT, ENGLAND

On motion of Mr. King, seconded by Mrs. Humphrey, the Board adopted the following resolution:

WHEREAS, there are many strong historic ties between the Commonwealth of Virginia and Great Britain; and

WHEREAS, prominent among these are the fact that English settlers founded Jamestown in 1607; and

WHEREAS, Sir Thomas Dale and his hearty band of settlers soon thereafter established the Citie of Henricus in 1611 in what is now Chesterfield County, Virginia; and

WHEREAS, Captain Francis Eppes was baptized in St. Mary the Virgin Parish Church of Ashford, Kent, England on May 15, 1597; and

WHEREAS, Captain Eppes sailed for the New World in the early 17th century; and

WHEREAS, a descendant of Captain Eppes, also named Francis, was the brother-in-law of Thomas Jefferson; and

WHEREAS, Francis Eppes lived at a plantation named Eppington, which is today owned and operated by Chesterfield County as a historic property; and

WHEREAS, these and many other ties bind Great Britain, and in particular, Ashford, Kent, England, and Chesterfield County, Virginia, in spirit; and

WHEREAS, the people of Great Britain have been generous, most recently, in their support of the victims of Hurricane Katrina on America's Gulf Coast; and

WHEREAS, it is appropriate to reflect on the enduring friendship between our two great nations.

NOW, THEREFORE, BE IT RESOLVED that the Chesterfield County Board of Supervisors, this 21st day of September 2005, recognizes the strong bonds of affection and mutual respect between the people of Ashford, Kent, England and the people of Chesterfield County, Virginia, and extends to Mayor Malcolm Eke and Mayoress Carol Brungler of Ashford, Kent, England warmest wishes and fond memories that date back to Captain Francis Eppes' departure from Ashford, Kent to Virginia.

AND, BE IT FURTHER RESOLVED that a copy of this resolution be presented to Mayor Eke and Mayoress Brungler and that this resolution be recorded among the papers of this Board of Supervisors of Chesterfield County, Virginia.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

8.C.2.h. RECOGNIZING SEPTEMBER 17-23, 2005, AS "CONSTITUTION WEEK"

On motion of Mr. King, seconded by Mrs. Humphrey, the Board adopted the following resolution:

WHEREAS, September 17, 2005 marks the 218th anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS, it is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary; and

WHEREAS, many patriotic celebrations across the nation will commemorate this special date in our country's history; and

WHEREAS, Public Law 915 guarantees the issuance of a proclamation each year by the President of the United States of America designating September 17 through the 23rd as "Constitution Week"; and

WHEREAS, as the world witnesses the difficulty and the wonder of the drafting of a new constitution by the Iraqi people, it is clear that our own Constitution is to be treasured; and

WHEREAS, we recognize that we are fortunate to have such a document as the bedrock of our nation.

NOW, THEREFORE, BE IT RESOLVED that the Chesterfield Board of Supervisors, this 21st day of September 2005, designates the week of September 17-23 as "Constitution Week," and urges all Chesterfield County residents to reaffirm the ideals of the framers of the Constitution as set forth in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties

AND, BE IT FURTHER RESOLVED that a copy of this resolution be presented to the Daughters of the American Revolution and that this resolution be recorded among the papers of this Board of Supervisors of Chesterfield County, Virginia.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

8.C.2.i. RECOGNIZING THE COUNTY'S RELIEF EFFORTS IN SUPPORT OF HURRICANE KATRINA VICTIMS

On motion of Mr. King, seconded by Mrs. Humphrey, the Board adopted the following resolution:

WHEREAS, Hurricane Katrina struck the Gulf Coast region of the United States with unprecedented fury; and

WHEREAS, the catastrophic results of this hurricane have mobilized the nation at every level to provide support to the victims; and

WHEREAS, Chesterfield County has been providing assistance in numerous ways; and

WHEREAS, Chesterfield County employees, through the Chesterfield Employee Association, donated \$8,000 to the American Red Cross for Hurricane Katrina relief with those donations being matched by the Board of Supervisors; and

WHEREAS, the county's new mobile command center van was deployed to Baton Rouge, along with a four-person team to staff the van; and

WHEREAS, a seven-person Incident Management Team was also deployed for 18 days to the Gulf Coast region; and

WHEREAS, a ten-person Police Law Enforcement Task Force has been deployed; and

WHEREAS, Schools sent one principal to Fort Pickett, and has enrolled elementary, middle and high school students from the affected areas; and over 40 numerous families, and assisted Fort Pickett with evacuees; and

WHEREAS, the Health Department provided vaccinations to responders, provided other services to evacuees and provided support staff for operations at Fort Pickett; and

WHEREAS, several county employees have been called up for military service in the affected areas; and

WHEREAS, over 30 other employees have volunteered to be deployed to assist where needed.

NOW, THEREFORE, BE IT RESOLVED that the Chesterfield County Board of Supervisors recognizes the county's support for Hurricane Katrina victims as well as the superb and selfless efforts of all residents who have assisted the victims of Hurricane Katrina, whether through donations or by volunteering to serve in the stricken area, and urges all Chesterfield County residents to join in the efforts to help our fellow Americans affected by this tragedy.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

8.C.2.j. RECOGNIZING MR. B. R. WILKINSON, LICENSE INSPECTION DEPARTMENT, UPON HIS RETIREMENT

On motion of Mr. King, seconded by Mrs. Humphrey, the Board adopted the following resolution:

WHEREAS, Mr. B. R. Wilkinson will retire from the Chesterfield County License Inspection Department on October 1, 2005, after providing 25 years of quality service to the citizens of Chesterfield County; and

WHEREAS, Mr. Wilkinson has faithfully served the county in the capacity of Director for the License Inspection Department; and

WHEREAS, Mr. Wilkinson has provided leadership for local, regional and state enforcement initiatives and policy development; and

WHEREAS, Mr. Wilkinson provided direction and guidance to a department that was responsible for enforcing the provisions of Chesterfield County Code sections six and thirteen ensuring the proper licensing of businesses and vehicles located within Chesterfield County; and

WHEREAS, Mr. Wilkinson's efforts with respect to enforcing these provisions of the County Code resulted in the collection of significant delinquent revenue owed to Chesterfield County; and

WHEREAS, Mr. Wilkinson worked tirelessly throughout his career to protect the citizens of Chesterfield County from fraudulent contractors and businesses; and

WHEREAS, Mr. Wilkinson's honorable character, selfless dedication to Chesterfield County, and commitment to excellence are a model for all county employees, and his integrity, ethics and values are guiding principles that place the Department of License Inspection in a professional category respected throughout the state as a leader in license enforcement; and

WHEREAS, Mr. Wilkinson has promoted a departmental culture that empowers employees to express new ideas and opinions; his vision, leadership and willingness to get

involved are respected throughout the county organization, and he is an exceptional manager of people; and

WHEREAS, Mr. Wilkinson has created an environment where trust, optimism, enjoyment, and personal growth are encouraged; and

WHEREAS, Chesterfield County, the Board of Supervisors and the members of his department will miss Mr. Wilkinson's diligent service.

NOW, THEREFORE, BE IT RESOLVED that the Chesterfield County Board of Supervisors recognizes Mr. B. R. Wilkinson, and extends on behalf of its members and the citizens of Chesterfield County, appreciation for his service to the county, congratulations upon his retirement, and best wishes for a long and happy retirement.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

8.C.3. APPROPRIATION OF STATE COMPENSATION BOARD FUNDS FOR THE COMMONWEALTH'S ATTORNEY AND CREATION OF TWO POSITIONS

On motion of Mr. King, seconded by Mrs. Humphrey, the Board appropriated \$96,600 in State Compensation Board funds to fund two new Commonwealth Attorney positions and authorized the creation of the two new full-time positions within the Commonwealth's Attorney's Office.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

8.C.4. ACCEPTANCE OF FEDERAL AND STATE GRANT FUNDS, AND AWARD OF CONSTRUCTION CONTRACT TO BRANCH HIGHWAYS, INCORPORATED FOR A PROJECT TO CONSTRUCT THE NORTH TERMINAL APRON

On motion of Mr. King, seconded by Mrs. Humphrey, the Board authorized the County Administrator to accept \$1,970,593 in federal and \$62,229 in state grant funds; awarded a contract in the amount of \$1,677,736 to Branch Highways, Incorporated for a project to construct the North Terminal Apron; and authorized the County Administrator to execute all documents.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

8.C.5. REQUEST FOR AN ENTERTAINMENT FESTIVAL PERMIT FOR THE CHESTERFIELD COUNTY AIRPORT FESTIVAL AND AIRSHOW ON OCTOBER 15 AND 16, 2005

On motion of Mr. King, seconded by Mrs. Humphrey, the Board approved a request for an entertainment festival permit for the Chesterfield County Airport Festival Airshow on October 15 and 16, 2005.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

8.C.6. STATE ROAD ACCEPTANCE

On motion of Mr. King, seconded by Mrs. Humphrey, the Board adopted the following resolution:

WHEREAS, the streets described below are shown on plats recorded in the Clerk's Office of the Circuit Court of Chesterfield County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the streets described below to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

AND, BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Type Change to the Secondary System of State Highways: Addition

Basis for Change: **Addition, New subdivision street**

Statutory Reference: **§33.1-229**

Project: **Chester Village Green, Section 1**

● **Chester Village Drive, State Route Number: 5617**

From: 0.03 Mi. E of Village Creek Dr., (Rt. 5912)

To: Village Creek Dr., (Rt. 5912), a distance of: 0.03 miles.

Right-of-way record was filed on 6/30/2003 with the Office Of Clerk To Circuit Court in Db. 5193, Pg. 727,

with a width of 50 feet

● **Chester Village Drive, State Route Number: 5617**

From: Village Green Dr., (Rt. 5912)

To: De Laval St., (Rt. 1503), a distance of: 0.24 miles.

Right-of-way record was filed on 6/30/2003 with the Office Of Clerk To Circuit Court in Db. 5193, Pg. 727,

with a width of 50 feet

● **Village Creek Drive, State Route Number: 5912**

From: Chester Village Dr., (Rt. 5617)

To: Village Garden Dr., (Rt. 5913), a distance of: 0.12 miles.

Right-of-way record was filed on 10/17/2003 with the Office Of Clerk To Circuit Court in Pb. 138, Pg. 16,

with a width of 54 feet

● **Village Garden Drive, State Route Number: 5913**

From: Village Creek Dr., (Rt. 5912)
To: Village Garden Cr., (Rt. 5914), a distance of: 0.06 miles.

Right-of-way record was filed on 10/17/2003 with the Office Of Clerk To Circuit Court in Pb. 138, Pg. 16,
with a width of 50 feet

● **Village Garden Drive, State Route Number: 5913**

From: Village Garden Cr., (Rt. 5914)
To: Cul-de-sac, a distance of: 0.10 miles.

Right-of-way record was filed on 10/17/2003 with the Office Of Clerk To Circuit Court in Pb. 138, Pg. 16,
with a width of 50 feet

● **Village Garden Circle, State Route Number: 5914**

From: Village Garden Dr., (Rt. 5913)
To: Cul-de-sac, a distance of: 0.07 miles.

Right-of-way record was filed on 10/17/2003 with the Office Of Clerk To Circuit Court in Pb. 138, Pg. 16,
with a width of 50 feet

And, further, the Board adopted the following resolution:

WHEREAS, the street described below is shown on plats recorded in the Clerk's Office of the Circuit Court of Chesterfield County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the street meets the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the streets described below to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

AND, BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Type Change to the Secondary System of State Highways: Addition

Basis for Change: Addition, New subdivision street

Statutory Reference: §33.1-229

Project: Chester Village Green, Section 2

● **Chester Village Circle, State Route Number: 5915**

From: 0.02 Mi. W of Village Creek Dr., (Rt. 5912) on Chester Village Dr., (Rt. 5617)

To: 0.07 Mi. W of Village Creek Dr., (Rt. 5912) on Chester Village Dr., (Rt. 5617), a distance of: 0.18 miles.

Right-of-way record was filed on 10/17/2005 with the Office Of Clerk To Circuit Court in Pb. 138, Pg. 20,

with a width of 50 feet

And, further, the Board adopted the following resolution:

WHEREAS, the streets described below are shown on plats recorded in the Clerk's Office of the Circuit Court of Chesterfield County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the streets described below to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

AND, BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Type Change to the Secondary System of State Highways: Addition

Basis for Change: **Addition, New subdivision street**

Statutory Reference: **§33.1-229**

Project: **First Branch at Woodland Pond, Section B**

● **First Branch Lane, State Route Number: 5442**

From: 0.02 Mi. W of Woodbluff Ct., (Rt. 5444)

To: Brook Point Pl., (Rt. 5911), a distance of: 0.17 miles.

Right-of-way record was filed on 9/20/2002 with the Office Of Clerk To Circuit Court in Pb. 129, Pg. 21,

with a width of 50 feet

● **Brook Point Place, State Route Number: 5911**

From: First Branch Ln., (Rt. 5442)

To: Cul-de-sac, a distance of: 0.13 miles.

Right-of-way record was filed on 9/20/2002 with the Office Of Clerk To Circuit Court in Pb. 129, Pg. 21,

with a width of 50 feet

● **First Branch Lane, State Route Number: 5442**

From: Brook Point Pl., (Rt. 5911)

To: Cul-de-sac, a distance of: 0.25 miles.

Right-of-way record was filed on 9/20/2002 with the Office Of Clerk To Circuit Court in Pb. 129, Pg. 21,

with a width of 50 feet

And, further, the Board adopted the following resolution:

WHEREAS, the street described below is shown on plats recorded in the Clerk's Office of the Circuit Court of Chesterfield County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the street meets the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the street described below to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

AND, BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Type Change to the Secondary System of State Highways: **Addition**

Basis for Change: **Addition, New subdivision street**

Statutory Reference: **§33.1-229**

Project: **Cameron Bay, Section C**

● **Cameron Bay Terrace, State Route Number: 5908**

From: Cameron Bay Dr., (Rt. 5633)

To: Cul-de-sac, a distance of: 0.05 miles.

Right-of-way record was filed on 8/30/2004 with the Office Of Clerk To Circuit Court in Pb.147, Pg. 23,
with a width of 40 feet

And, further, the Board adopted the following resolution:

WHEREAS, the streets described below are shown on plats recorded in the Clerk's Office of the Circuit Court of Chesterfield County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the streets described below to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

AND, BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Type Change to the Secondary System of State Highways: **Addition**

Basis for Change: **Addition, New subdivision street**

Statutory Reference: **§33.1-229**

Project: **Kingham at the Grove, Section 5**

● **Rise Shaft Road, State Route Number: 5916**

From: Railey Hill Dr., (Rt. 5519)

To: Tipple Point Rd., (Rt. 5917), a distance of: 0.11 miles.

Right-of-way record was filed on 7/8/2004 with the Office Of Clerk To Circuit Court in Pb. 146, Pg. 2, with
a width of 40 feet

● **Tipple Point Road, State Route Number: 5917**

From: Rise Shaft Rd., (Rt. 5916)

To: Cul-de-sac, a distance of: 0.04 miles.

Right-of-way record was filed on 7/8/2004 with the Office Of Clerk To Circuit Court in Pb. 146, Pg. 2, with
a width of 40 feet

● **Tipple Point Road, State Route Number: 5917**

From: Rise Shaft Rd., (Rt. 5916)

To: 0.02 Mi. S of Rise Shaft Rd., (Rt. 5916), a distance of: 0.02 miles.

Right-of-way record was filed on 7/8/2004 with the Office Of Clerk To Circuit Court in Pb. 146, Pg. 2, with
a width of 40 feet

Ayes: Barber, King, Humphrey, Miller and Warren.
Nays: None.

8.C.7. AWARD OF CONTRACTS

8.C.7.a. TO MOSELEY ARCHITECTS FOR THE DESIGN OF THE
ADDITION AND RENOVATIONS TO CHESTERFIELD COUNTY
COURTS BUILDING

On motion of Mr. King, seconded by Mrs. Humphrey, the Board authorized the County Administrator to execute a contract with Moseley Architects to perform the design of the Chesterfield County Courts Building in the amount of \$469,900.

Ayes: Barber, King, Humphrey, Miller and Warren.
Nays: None.

8.C.7.b. TO MOSELEY ARCHITECTS FOR THE DESIGN OF THE FIRE LOGISTICS WAREHOUSE

On motion of Mr. King, seconded by Mrs. Humphrey, the Board authorized the County Administrator to award a design contract to Moseley Architects for the design of the Fire Logistics Warehouse in the amount of \$260,400.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

8.C.7.c. TO LANDMARK DESIGN GROUP FOR THE PROGRAMMING, DESIGN AND CONSTRUCTION ADMINISTRATION FOR THE IRVIN G. HORNER PARK MAINTENANCE FACILITY

Mrs. Humphrey inquired whether a sign has been erected commemorating the name of the park.

Mr. Golden stated a sign will be placed on Genito Road when the park is ready to open.

Mrs. Humphrey requested that the sign be erected as soon as possible rather than waiting for the park to open.

On motion of Mr. King, seconded by Mrs. Humphrey, the Board authorized the County Administrator to execute a contract with LandMark Design Group to perform the programming, design and construction administration for the Irvin G. Horner Park Maintenance Facility in the amount of \$110,881.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

8.C.8. REQUESTS TO QUITCLAIM

8.C.8.a. A VARIABLE WIDTH STORM WATER MANAGEMENT SYSTEM/BEST MANAGEMENT PRACTICE EASEMENT AND A TWENTY-FOOT STORM WATER MANAGEMENT SYSTEM/BEST MANAGEMENT PRACTICE ACCESS EASEMENT ACROSS THE PROPERTY OF THE LAKES ON 360, INCORPORATED

On motion of Mr. King, seconded by Mrs. Humphrey, the Board authorized the Chairman of the Board of Supervisors and the County Administrator to execute a quitclaim deed to vacate a variable width storm water management system/best management practice easement and a 20-foot storm water management system/best management practice access easement across the property of The Lakes on 360, Incorporated. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

8.C.8.b. A PORTION OF A SIXTEEN-FOOT DRAINAGE EASEMENT ACROSS THE PROPERTY OF KINGSLAND PARTNERS, L.L.C.

On motion of Mr. King, seconded by Mrs. Humphrey, the Board authorized the Chairman of the Board of Supervisors and the County Administrator to execute a quitclaim deed to vacate a portion of a 16-foot drainage easement across the property of

Kingsland Partners, L.L.C. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Barber, King, Humphrey, Miller and Warren.
Nays: None.

8.C.9. APPROVAL OF WATER CONTRACT FOR KIMLYNN SUBDIVISION - BEACH ROAD

On motion of Mr. King, seconded by Mrs. Humphrey, the Board approved the following water contract for Kimlynn Subdivision - Beach Road, Contract Number 02-0374, which includes 700 L.F. ± of additional 12-inch water line work:

Developer: KDK Investment Group, Incorporated

Contractor: Bookman Construction Company, Incorporated

Contract Amount:

Estimated County Cost for Additional Work .	\$42,318.00
Estimated Developer Cost.\$110,420.00
Estimated Total\$150,220.00

Code: Cash Refund - Additional Work 5B-572WO-E4C

District: Dale

(It is noted a copy of the vicinity sketch is filed with the papers of this Board.)

Ayes: Barber, King, Humphrey, Miller and Warren.
Nays: None.

8.C.10. REQUEST TO AID CHRISTOPHER DALY IN THE ACQUISITION OF SEWER AND TEMPORARY CONSTRUCTION EASEMENTS FOR THE SUBDIVISION OF PROPERTY ON BURROUGHS STREET

On motion of Mr. King, seconded by Mrs. Humphrey, the Board authorized Right of Way staff to aid Christopher Daly in the acquisition of sewer and temporary easements for the subdivision of his property on Burroughs Street, subject to the developer executing a contract agreeing to pay all costs. (It is noted a copy of the vicinity sketch is filed with the papers of this Board.)

Ayes: Barber, King, Humphrey, Miller and Warren.
Nays: None.

8.C.11. APPROVAL OF THE PURCHASE OF A PARCEL OF LAND FOR THE EXPANSION OF ETTRICK PARK

On motion of Mr. King, seconded by Mrs. Humphrey, the Board approved the purchase of a parcel of land containing 3.1980 acres, more or less, at a cost of \$90,900 plus closing costs estimated to be \$4,500, from the Helen Williams Estate; transferred \$62,000 from the Rockwood Park Improvements Project; appropriated \$33,400 in Park Cash Proffers for the expansion of Ettrick Park; and authorized the County Administrator to execute the sales contract and deed. (It is

noted a copy of the plat is filed with the papers of this Board.)

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

8.C.12. REQUESTS FOR PERMISSION

8.C.12.a. FROM MCDONALD'S CORPORATION FOR A PROPOSED CONCRETE DUMPSTER PAD TO ENCROACH WITHIN A SIXTEEN-FOOT SEWER EASEMENT ACROSS ITS PROPERTY ON HULL STREET ROAD

On motion of Mr. King, seconded by Mrs. Humphrey, the Board approved a request from McDonald's Corporation for permission for a proposed concrete dumpster pad to encroach within a 16-foot sewer easement across its property at 10201 Hull Street Road, subject to the execution of a license agreement. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

8.C.12.b. FROM GENUINE PARTS COMPANY TO INSTALL A PRIVATE SEWER SERVICE WITHIN A PRIVATE EASEMENT TO SERVE PROPERTY AT TENNESSEE PLAZA

On motion of Mr. King, seconded by Mrs. Humphrey, the Board approved a request from Genuine Parts Company for permission to install a private sewer service within a private easement to serve property at 12450 Tennessee Plaza, and authorized the County Administrator to execute the sewer connection agreement. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

8.C.12.c. FROM MR. J. MARK SOWERS TO CONSTRUCT AN EMERGENCY ACCESS ROAD, RETENTION PIT AND MONITORING WELLS WITHIN A FIFTY-FOOT UNIMPROVED COUNTY RIGHT OF WAY KNOWN AS HOTTINGER DRIVE WITHIN LAKE GENITO, SECTION C, FOR PROPOSED WALNUT GROVE, SECTION 2

On motion of Mr. King, seconded by Mrs. Humphrey, the Board approved a request from J. Mark Sowers for permission to construct an emergency access road, retention pit and monitoring wells within a 50-foot unimproved county right of way known as Hottinger Drive within Lake Genito, Section C, for Proposed Walnut Grove, Section 2, subject to the execution of a license agreement. (It is noted a copy of the vicinity sketch is filed with the papers of this Board.)

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

8.C.13. ACCEPTANCE OF PARCELS OF LAND

8.C.13.a. ALONG THE EAST RIGHT OF WAY LINE OF OLD GUN ROAD WEST FROM THE TRUSTEES OF BETHLEHEM BAPTIST CHURCH

On motion of Mr. King, seconded by Mrs. Humphrey, the Board accepted the conveyance of a parcel of land containing 0.096 acres along the east right of way line of Old Gun Road West (State Route 673) from the Trustees of Bethlehem Baptist Church, and authorized the County Administrator to execute the deed. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Barber, King, Humphrey, Miller and Warren.
Nays: None.

8.C.13.b. FOR AN ELEMENTARY SCHOOL SITE IN HARPER'S MILL

On motion of Mr. King, seconded by Mrs. Humphrey, the Board accepted the conveyance of a parcel of land containing 25 acres, more or less, for an elementary school site in Harper's Mill from J. Mark Sowers and Deborah K. Sowers, and authorized the County Administrator to execute the deed. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Barber, King, Humphrey, Miller and Warren.
Nays: None.

8.C.14. APPROVAL OF A CHANGE ORDER TO A. D. WHITTAKER CONTRACTING INCORPORATED FOR THE ADDITION OF PROTECTIVE PADDING TO THREE CELLS IN THE NEW JAIL

On motion of Mr. King, seconded by Mrs. Humphrey, the Board authorized the County Administrator to execute a change order in the amount of \$62,604 to A. D. Whittaker Contracting Incorporated to install protective padding in three cells in the new jail.

Ayes: Barber, King, Humphrey, Miller and Warren.
Nays: None.

8.C.15. TRANSFER ROAD CASH PROFFER FUNDS AND AUTHORIZATION TO AWARD A CONSTRUCTION CONTRACT FOR THE CENTRALIA ROAD/LOST FOREST DRIVE CURVE RE-PAVING PROJECT

On motion of Mr. King, seconded by Mrs. Humphrey, the Board transferred \$40,000 in Traffic Shed 13 road cash proffer funds to the Centralia Road/Lost Forest Drive Curve Re-Paving Project; authorized the County Administrator to enter into the necessary county/Virginia Department of Transportation/consultant/contractor, design, right-of-way acquisition, environmental permits, and/or construction agreements, acceptable to the County Attorney, for the project; and authorized the award of a construction contract, up to \$80,000, to the lowest responsible bidder.

Ayes: Barber, King, Humphrey, Miller and Warren.
Nays: None.

8.C.16. SET PUBLIC HEARING DATES

8.C.16.a. TO CONSIDER FY2007 ENHANCEMENT PROJECTS

On motion of Mr. King, seconded by Mrs. Humphrey, the Board set the date of October 12, 2005 at 7:00 p.m. for a public hearing for the Board to consider FY2007 Enhancement Projects.

Ayes: Barber, King, Humphrey, Miller and Warren.
Nays: None.

8.C.16.b. TO CONSIDER THE APPROPRIATION OF FUNDS FOR THE ROUTE 360 (SWIFT CREEK TO WINTERPOCK ROAD) WIDENING PROJECT

On motion of Mr. King, seconded by Mrs. Humphrey, the Board set the date of October 12, 2005 at 7:00 p.m. for a public hearing for the Board to consider the appropriation of an additional \$10 million in anticipated Virginia Department of Transportation reimbursements for the Route 360 (Swift Creek to Winterpock Road) Widening Project.

Ayes: Barber, King, Humphrey, Miller and Warren.
Nays: None.

8.C.16.c. TO CONSIDER AMENDING THE INTRODUCTION TO THE PLAN FOR CHESTERFIELD TO INCLUDE LANGUAGE REGARDING AFFORDABLE HOUSING

On motion of Mr. King, seconded by Mrs. Humphrey, the Board set the date of October 12, 2005 at 7:00 p.m. for a public hearing for the Board to consider amending the Introduction to the Plan for Chesterfield, the county's comprehensive plan, to include language regarding affordable housing.

Ayes: Barber, King, Humphrey, Miller and Warren.
Nays: None.

8.C.16.d. TO CONSIDER APPROPRIATION OF FUNDS FROM THE STATE COMPENSATION BOARD TECHNOLOGY TRUST FUND DUE TO AN ADMINISTRATIVE CHANGE

On motion of Mr. King, seconded by Mrs. Humphrey, the Board set the date of October 12, 2005 at 7:00 p.m. for a public hearing for the Board to consider appropriation of funds from the State Compensation Board for the Clerk of the circuit Court due to an administrative change.

Ayes: Barber, King, Humphrey, Miller and Warren.
Nays: None.

8.C.17. APPROVAL OF FY2007 PRIORITY LIST OF PRIMARY AND INTERSTATE NEEDS

On motion of Mr. King, seconded by Mrs. Humphrey, the Board approved the recommended FY2007 priority list of highway projects and letter regarding Chesterfield's primary and

interstate road needs and directed staff to forward this information to the county's Congressional and State Legislative Delegations and the Commonwealth Transportation Board. (It is noted a copy of the priority list of highway projects is filed with the papers of this Board.)

Ayes: Barber, King, Humphrey, Miller and Warren.
Nays: None.

8.C.18. REQUEST FOR A PERMIT TO STAGE A PYROTECHNICS DISPLAY AT THE CHESTERFIELD COUNTY AIRPORT ON OCTOBER 15 AND 16, 2005

On motion of Mr. King, seconded by Mrs. Humphrey, the Board approved a request for a permit to stage a pyrotechnics display at the Chesterfield County Airport on October 15 and 16, 2005.

Ayes: Barber, King, Humphrey, Miller and Warren.
Nays: None.

8.C.19. APPROVAL OF MUTUAL AID AGREEMENT FOR EMERGENCY AND FIREFIGHTING SERVICES WITH DINWIDDIE COUNTY

On motion of Mr. King, seconded by Mrs. Humphrey, the Board authorized the County Administrator to enter into a mutual aid agreement for emergency and firefighting services with Dinwiddie County.

Ayes: Barber, King, Humphrey, Miller and Warren.
Nays: None.

8.C.20. TRANSFER/DONATION OF DISTRICT IMPROVEMENT FUNDS

8.C.20.a. FROM THE MATOACA DISTRICT IMPROVEMENT FUND TO THE PARKS AND RECREATION DEPARTMENT TO PURCHASE AND INSTALL CHAIN LINK FENCING AROUND THE MATOACA PARK FOOTBALL FIELD

On motion of Mr. King, seconded by Mrs. Humphrey, the Board transferred \$5,000 from the Matoaca District Improvement Fund to the Parks and Recreation Department to purchase and install chain link fencing around the Matoaca football field.

Ayes: Barber, King, Humphrey, Miller and Warren.
Nays: None.

8.C.20.b. FROM THE BERMUDA, DALE, CLOVER HILL, MATOACA AND MIDLOTHIAN DISTRICT IMPROVEMENT FUNDS TO THE AMERICAN RED CROSS FOR HURRICANE KATRINA RELIEF

On motion of Mr. King, seconded by Mrs. Humphrey, the Board donated \$1,600 each from the Bermuda, Dale, Clover Hill, Matoaca and Midlothian District Improvement Funds (total of \$8,000) to the American Red Cross for Hurricane Katrina relief.

Ayes: Barber, King, Humphrey, Miller and Warren.
Nays: None.

9. HEARINGS OF CITIZENS ON UNSCHEDULED MATTERS OR CLAIMS

o DR. MIKE HARTON WILL ADDRESS THE BOARD ON BEHALF OF THE TASK FORCE FOR RESPONSIBLE GROWTH RELATIVE TO THE PLACEMENT OF THE NEW MIDDLE SCHOOL

Dr. Mike Harton, Vice President of the Task Force for Responsible Growth, clarified remarks relative to the position of the task force on recent discussions regarding placement of the middle school. He stated the task force has emphasized three points from its beginning - maximum flexibility for the School Board in selection of school locations; requesting that the Board of Supervisors and Planning Commission use data from the Public Facilities Plan to work with the School Board in determining the best locations; and requesting that the Board consider changing the Plan to include only one location rather than two in order to avoid confusion and the possibility of pitting one community against another in selecting the sites. He further stated, when the Executive Director of the Task Force, Ms. Marleen Durfee was asked about the possibility of locating a school somewhere between two dots on a map at a Board meeting in April 2004, she agreed that it could be somewhere generally between those two dots depending upon the data. He stated at that time, Ms. Durfee was reluctant to talk with the task force about a specific site because data was still being gathered. He further stated, after gathering additional data, the task force urged the School Board at a September 2004 meeting to follow the language of the Public Facilities Plan and not eliminate the western location. He stated the task force continued to gather data and recommended in February 2005 that the School Board follow the language of the Plan because it was clear that the area of greatest need was relief for Bailey Bridge and Swift Creek Middle Schools. He further stated the task force will continue to strive with the Board of Supervisors to be good stewards of all of the county's resources.

Mr. King excused himself from the meeting.

10. REPORTS

10.A. REPORT ON DEVELOPER WATER AND SEWER CONTRACTS

10.B. REPORT ON THE STATUS OF GENERAL FUND BALANCE, RESERVE FOR FUTURE CAPITAL PROJECTS, DISTRICT IMPROVEMENT FUNDS AND LEASE PURCHASES

10.C. ROADS ACCEPTED INTO THE STATE SECONDARY SYSTEM

10.D. REPORT OF PLANNING COMMISSION SUBSTANTIAL ACCORD DETERMINATION ON VEPCO/EXIT 58 (VA31457-D) - ROUTE I-95 AND INDIAN HILLS DRIVE, COMMUNICATIONS TOWER (CASE 05PD0410)

On motion of Mr. Barber, seconded by Mr. Miller, the Board accepted the following reports: a Report on Developer Water and Sewer Contracts; a Report on the Status of General Fund Balance, Reserve for Future Capital Projects, District Improvement Funds and Lease Purchases; and a Report of the

Planning Commission's Substantial Accord Determination on
VEPCO/Exit 58 (VA31457-D) - Route I-95 and Indian Hills
Drive, Communications Tower (Case 05PD0410).

And, further, the following roads were accepted into the
State Secondary System:

<u>Addition</u>	<u>Length</u>
<u>Littlebury, Section 2</u> (effective 8/5/2005)	
Cadbury Court (Route 5889) - From Littlebury Drive (Route 5752) to Cul-de-sac	0.04 Mi.
Littlebury Drive (Route 5752) - From Cadbury Court (Route 5889) to Cul-de-sac	0.08 Mi.
Littlebury Drive (Route 5752) - From 0.02 mile east of Quixton Lane (Route 5755) to Cadbury Court (Route 5889)	0.06 Mi.
Longmeadow Circle (Route 5131) - From Quixton Lane (Route 5755) to 0.01 mile northeast of Quixton Lane (Route 5755)	0.01 Mi.
Longmeadow Circle (Route 5131) - From 0.01 mile north of Littlebury Drive (Route 5752) to Quixton Lane (Route 5755)	0.15 Mi.
Quixton Lane (Route 5755) - From Longmeadow Circle (Route 5131) to 0.12 mile south of Longmeadow Circle (Route 5131)	0.12 Mi.
<u>Providence, Section 1</u> (effective 8/5/2005)	
Providence Knoll Drive (Route 5882) - From Providence Ridge Road (Route 5880) to 0.18 mile northeast of Providence Ridge Road (Route 5880)	0.18 Mi.
Providence Knoll Drive (Route 5882) - From Providence Ridge Road (Route 5880) to 0.28 mile north of Providence Ridge Road (Route 5880)	0.28 Mi.
Providence Ridge Court (Route 5881) - From Providence Ridge Road (Route 5880) to Cul-de-sac	0.14 Mi.
Providence Ridge Road (Route 5880) - From Reams Road (Route 647) to Providence Ridge Court (Route 5881)	0.06 Mi.
Providence Ridge Road (Route 5880) - From Providence Ridge Court (Route 5881) to Providence Knoll Drive (Route 5882)	0.04 Mi.
Ayes: Barber, King, Humphrey, Miller and Warren. Nays: None. Absent: King.	

11. DINNER

On motion of Mr. Miller, seconded by Mr. Barber, the Board recessed to the Administration Building, Room 502, for dinner.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

Reconvening:

12. INVOCATION

Dr. Roy Foots, Pastor of New Direction Ministries, gave the invocation.

13. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

Deputy County Administrator Brad Hammer led the Pledge of Allegiance to the flag of the United States of America.

14. RESOLUTIONS AND SPECIAL RECOGNITIONS

O RECOGNIZING MR. G. B. SPENCER FOR HIS OUTSTANDING CONTRIBUTIONS TO THE CHESTERFIELD COUNTY FAIR

Mr. Hammer introduced Mr. G. B. Spencer who was present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, for 92 years, the Chesterfield County Fair has been a much-anticipated annual event that has attracted visitors from throughout the Metropolitan Richmond region and beyond; and

WHEREAS, the 2004 Chesterfield County Fair attracted 37,000 visitors; and

WHEREAS, the fair is a showplace of arts, crafts, entertainment and education that celebrates Chesterfield County's rural heritage; and

WHEREAS, planning and conducting the county fair is a major endeavor requiring a wide range of personal and professional skills; and

WHEREAS, for the past three years, Mr. G. B. Spencer has served as Fair Manager, bringing his exemplary work ethic, leadership skills and dedication to this demanding position; and

WHEREAS, Mr. Spencer began his association with the fair in the 1960s, and began serving on its Board of Directors in the 1970s; and

WHEREAS, through his efforts as Manager of the county fair, Mr. Spencer has strengthened the fair's reputation as a wonderful family event; and

WHEREAS, Mr. Spencer has coordinated with many Chesterfield County departments, a wide range of individuals, agencies and organizations to ensure a smoothly-operating, interesting and successful county fair; and

WHEREAS, Mr. Spencer has improved the fair's financial situation and instituted numerous new exhibits and attractions; and

WHEREAS, Mr. Spencer's commitment to the fair, and to his community, have made Chesterfield County a better place; and

WHEREAS, Mr. Spencer receives no pay for this year-round challenge that takes a great deal of his personal time; and

WHEREAS, Mr. Spencer's noteworthy spirit of volunteerism and his exceptional performance of duty as Manager of the Chesterfield County Fair are worthy of public recognition.

NOW, THEREFORE, BE IT RESOLVED that the Chesterfield County Board of Supervisors, this 21st day of September 2005, publicly recognizes Mr. G. B. Spencer's long professional association with the Chesterfield County Fair, and his service as Manager for the past three years, and on behalf of all Chesterfield County residents, thanks him for the generous donation of his time and many talents to this important annual event, and wishes him continued success in this and all of his endeavors.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

Mr. King presented the executed resolution to Mr. Spencer and expressed appreciation for his extraordinary contributions to the County Fair.

Mr. Miller expressed appreciation to Mr. Spencer for his commitment to the County Fair.

Mr. Spencer thanked the Board and Mr. Ramsey for their support of the fair. He recognized volunteers of the County Fair who were present at the meeting and thanked them for their support.

**15. REQUESTS FOR MANUFACTURED HOME PERMITS AND REZONING
PLACED ON THE CONSENT AGENDA TO BE HEARD IN THE
FOLLOWING ORDER: - WITHDRAWALS/DEFERRALS - CASES WHERE
THE APPLICANT ACCEPTS THE RECOMMENDATION AND THERE IS NO
OPPOSITION - CASES WHERE THE APPLICANT DOES NOT ACCEPT
THE RECOMMENDATION AND/OR THERE IS PUBLIC OPPOSITION
WILL BE HEARD AT SECTION 17**

05SN0290

In Bermuda Magisterial District, BROADWATER ASSOCIATES, L.P. requests Conditional Use Planned Development and amendment of zoning district map to permit office use in a Residential Townhouse (R-TH) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is

appropriate for neighborhood mixed use center. This request lies on 9.1 acres fronting on the east line of Harrowgate Road at Broadwater Road and located within the Broadwater Townhomes Development. Tax ID 795-638-1293 (Sheet 34).

Mr. Turner stated the applicant has withdrawn Case 05SN0290 from consideration.

No one came forward to speak to the applicant's withdrawal request.

On motion of Mr. King, seconded by Mr. Miller, the Board acknowledged withdrawal of Case 05SN0290.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

05SR0171 (Amended)

In Matoaca Magisterial District, TIMOTHY J. HAULER requests renewal of Conditional Use (Case 03AN0226) for a bed and breakfast and a special events business operated incidental to a dwelling unit on 14.5 acres, plus Conditional Use to operate a special events business and have alcohol sales on an adjacent 1.6 acre parcel and amendment of zoning district map. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use on 1-5 acre lots; suited to R-88 zoning. This request lies in an Agricultural (A) District on 16.1 acres fronting approximately 550 feet on the north line of Woodpecker Road and approximately 650 feet on the west line of John Winston Jones Parkway and located in the northwest quadrant of the intersection of these roads. Tax IDs 781-626-8240 and 782-627-Part of 1927 (Sheet 41).

Mr. Turner stated the applicant has requested a deferral until November 22, 2005.

Mr. Miller stated he has business pending in the Chesterfield Circuit Court, declared a conflict of interest under the Virginia Conflict of Interest Act regarding this request, and excused himself from the meeting.

Mr. Richard Hairfield, representing the applicant, stated Judge Hauler could not be present because of a health situation. He requested a deferral until November 22, 2005, indicating that this would allow time for Judge Hauler to recover from his health issues, as well as for the hearing of an appeal of a decision by the Planning Director that is pending before the Board of Zoning Appeals.

Mr. Barber called for public comment regarding the deferral request.

Ms. Brenda Stewart expressed concerns that the applicant has been operating a business on an expired permit for nearly six months, using land not zoned for the business and serving alcohol without first obtaining the required conditional use permit. She noted that State Code requires that the appeal of a decision made by the zoning administrator be filed within 30 days from the date of the decision being appealed.

and also requires the appellant to specify the grounds on which the petitioner is aggrieved. She stated both the special exception and variance application forms require the applicant to explain fully the reason for the request and states that incomplete applications will not be accepted. She further stated the applicant filed the appeal form on August 1, 2005 of a decision that was made by the Planning Director on July 8, 2005, but gave no reason for the appeal. She stated she was advised by the Director of Planning by e-mail on September 9, 2005 that the County Attorney has determined that the appeal application is incomplete and will need to include specific information describing the nature and basis of the appeal. She inquired why the Board would defer the request for an additional two months to get the results of an appeal that was not complete and thus not timely filed. She stated the applicant also filed an amendment to the zoning case on the same day as the appeal. She expressed concerns that Case 05SR0171 was initiated as a renewal of the original case covering 6100 Woodpecker Road and that the Planning Department allowed an amendment of the renewal request on August 1, 2005 to add property at 6200 Woodpecker Road after the hearing of the case by the Planning Commission and following initial presentation of the renewal case to the Board of Supervisors. She stated it appears a separate case should have been opened and forwarded to the Planning Commission for review and consideration of the enlargement of the business. She expressed concerns that the amended application was incomplete because a survey map was not included as requested and inquired why the incomplete application was accepted to be acted upon by the Board of Supervisors when it had not first been considered by the Planning Commission. She stated the applicant recorded a new survey of the originally zoned property at 6100 Woodpecker Road on July 22, 2002 following the April 2002 approval of the business, modifying the parcel lines of the property with the result that 6100 Woodpecker Road became more than 500 linear feet from the Matoaca High School property. She further stated the applicant was advised in a letter dated October 3, 2002 that use of the property at 6200 Woodpecker Road required additional approval from the Board of Supervisors. She requested that the portion of Case 05SR0171 pertaining to enlargement of the business by adding property at 6200 Woodpecker Road be severed from this case and forwarded to the Planning Commission to get it in the proper channels before further deferring Case 05SR0171. She expressed concerns relative to Planning staff permitting the amending of a renewal case already before the Board of Supervisors to add a request for a conditional use permit when it has not been heard by the Planning Commission. She stated she believes the proper process requires filing of a separate application for the conditional use permit related to serving alcohol within 500 feet of a public school and that it be severed from this request before further deferring Case 05SR0171, indicating that it would not be appropriate to defer the request for two months on the basis of an incomplete and invalid appeal application.

Ms. Andrea Epps stated she believes the applicant should be given the benefit of the doubt because of his medical condition.

Mr. Hairfield stated he is requesting a deferral strictly because Judge Hauler's health issues prevented him from being present to be involved in the process.

There being no one else to speak to the deferral, the public hearing was closed.

In response to Mrs. Humphrey's question, Mr. Turner stated Judge Hauler had amended his application and the Planning Commission has not acted upon the amended application. He further stated if the applicant proceeds with the amended request, it must at some point be remanded to the Planning Commission.

Mrs. Humphrey stated several members of the Planning Commission have indicated they would like to have the opportunity to review the current application. She further stated the issue of where alcohol is served on the property is important to the public.

Mr. Turner stated staff does not yet know whether the additional property needs to be included in the conditional use request until the Board of Zoning Appeals has acted upon the appeal of a Planning Director's decision regarding the use of the property.

Mrs. Humphrey stated she does not act based upon decisions of the Board of Zoning Appeals, but on what is presented to the Board from the Planning Commission's proceedings. She further stated the Planning Commission has not acted upon the amended application.

In response to Mrs. Humphrey's question, Mr. Micas stated the Board must first deny the deferral and then reopen the public hearing before remanding the request to the Planning Commission.

Discussion ensued relative to the application to amend the request to increase the amount of property involved and the appeal that is currently pending before the Board of Zoning Appeals.

Mrs. Humphrey made a motion, seconded by Mr. King, for the Board to deny the deferral of Case 05SR0171.

Mr. Warren stated he supports the motion, indicating that he would like to get a response from the County Attorney and the Planning Director to the issues raised by Ms. Stewart.

Mr. Barber called for a vote on the motion of Mrs. Humphrey, seconded by Mr. King, for the Board to deny the deferral of Case 05SR0171.

Ayes: Barber, King, Humphrey and Warren.
Nays: None.
Absent: Miller.

Mr. Barber reopened the public hearing to consider Case 05SR0171.

Mr. Hairfield stated the applicant will yield to any motion that Mrs. Humphrey makes.

Ms. Brenda Stewart stated she supports remanding the case to the Planning Commission.

Ms. Andrea Epps stated she believes the applicant should be allowed to continue his operations.

Ms. Marleen Durfee stated she is very concerned about the seriousness of serving alcohol in proximity to schools. She further stated she appreciates the Board taking additional time to look at the case in its entirety.

Mr. Hairfield stated he believes remanding the request to the Planning Commission would be appropriate.

Discussion ensued relative to the complexity and logistical challenges of the case because of its proximity to Matoaca High School.

Mrs. Humphrey stated she believes the best course of action is to remand the request to the Planning Commission.

Mr. Turner stated the county's policy is to allow the applicant to continue business operations while the request is pending.

Mr. Warren requested that staff prepare a summary of decisions that have been made relative to serving alcohol in proximity to schools, churches and other facilities.

Mrs. Humphrey made a motion, seconded by Mr. King, for the Board to remand Case 05SR0171 to the Planning Commission.

Ayes: Barber, King, Humphrey and Warren.
Nays: None.
Absent: Miller.

Mr. Miller returned to the meeting.

Mrs. Humphrey excused herself from the meeting.

05SN0206

In Bermuda Magisterial District, DR. TAYLOR LYNE AND DR. GEORGEANNA M. LYNE request rezoning and amendment of zoning district map from Agricultural (A) and Corporate Office (O-2) to Community Business (C-3) with Conditional Use to allow outside runs. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for community mixed use. This request lies on 7.3 acres fronting approximately 550 feet on the north line of Iron Bridge Road, also fronting approximately 500 feet on the west line of Chalkley Road and located in the northwest quadrant of the intersection of these roads. Tax IDs 778-653-8082 and 779-653-1379 (Sheet 26).

Mr. Turner stated the applicant has requested a deferral until October 26, 2005.

Mr. Barber called for public comment.

No one came forward to speak to the deferral.

On motion of Mr. King, seconded by Mr. Warren, the Board deferred Case 05SN0206 until October 26, 2005.

Ayes: Barber, King, Miller and Warren.

Nays: None.

Absent: Humphrey.

05SN0265

In Midlothian Magisterial District, J. P. ALLISON LLC requests amendment of Conditional Use Planned Development (Case 88SN0257) and amendment of zoning district map relative to setbacks for child care center uses. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for office use. This request lies in a Corporate Office (O-2) District on 2.6 acres located at the northwest quadrant of the intersection of North Providence and Buford Roads. Tax ID 759-707-Part of 4222 (Sheet 7).

Mr. Turner presented a summary of Case 05SN0265 and stated the Planning Commission and staff recommended approval and acceptance of the proffered conditions.

Mr. Andy Scherzer, representing the applicant, stated the recommendation is acceptable.

Mr. Barber called for public comment.

No one came forward to speak to the request.

On motion of Mr. Barber, seconded by Mr. Miller, the Board approved Case 05SN0265 and accepted the following proffered conditions:

1. All uses located within 200 feet of the northern boundary shall be limited to those uses permitted in the Office Business (O) District and child care centers. Uses permitted on the remaining portion of the property shall be limited to the following:
 - a. All uses permitted in the Office Business (O) District.
 - b. Art school, gallery, or museums.
 - c. Banks and savings and loan associations provided such uses are confined to the southwestern portion of the property between the Providence Road access and Twinridge Lane.
 - d. Barber shop.
 - e. Beauty shop.
 - f. Brokerage.
 - g. Medical clinics provided such uses are not designed to accommodate ambulance traffic.
 - h. Messenger or telegraph service.
 - i. Nursery schools, child or adult day care centers, and kindergartens.
 - j. Optometrists sales and services provided that the sales and servicing of eyewear is done by an optometrist as an accessory use in conjunction with a medical practice; and not more than fifteen (15)

- percent of the gross floor area is devoted to such sales and services.
- k. Rest, nursing, and convalescent homes.
 - l. Travel arranging and transportation ticket services.
 - m. Communication studios and stations (not towers).
 - n. Laboratories - medical and dental.
 - o. Office/warehouses provided there are no raised loading docks or tractor trailer traffic no more than thirty (30) percent of any office/warehouse space shall be used for retail sales as an accessory use. (P)

(Staff Note: This proffered condition supersedes Condition 4 of Case 88SN0257 for the request property. Except for Condition 4, all other conditions of Case 88SN0257 shall remain in effect.)

- 2. A combination of grading, plantings, and a solid board fence shall be provided adjacent to Tax ID 759-707-0504 (containing eighty three (83) office condominium units, commonly known as Twin Ridge Office Condos) so as to screen the view of any children's play areas from this adjacent parcel as well as to minimize the noise impact of these play areas upon this adjacent parcel. The exact screening and noise abatement treatment, to include grading, plant size and species and fence materials and height, shall be reviewed and approved by the Planning Department at time of site plan approval. (P)

Ayes: Barber, King, Miller and Warren.
Nays: None.
Absent: Humphrey.

Mrs. Humphrey returned to the meeting.

05SN0287

In Clover Hill Magisterial District, BARBARA F. GARRIS requests Conditional Use and amendment of zoning district map to permit a family day care home in a Residential (R-12) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for medium density residential use of 1.51 to 4.0 units per acre. This request lies on 0.3 acre and is known as 2604 Cropper Circle. Tax ID 758-694-1651 (Sheet 11).

Mr. Turner presented a summary of Case 05SN0287 and stated the Planning Commission and staff recommend approval subject to conditions.

Ms. Barbara Garris, representing the applicant, stated the recommendation is acceptable.

Mr. Barber called for public comment.

No one came forward to speak to the request.

Mr. Warren made a motion, seconded by Mr. Barber, for the Board to approve Case 05SN0287.

In response to Mr. Miller's question, Mr. Turner stated there is no time limitation on the conditional use, but it is limited to the applicant.

Mr. Barber called for a vote on the motion of Mr. Warren, seconded by Mr. Barber, for the Board to approve Case 05SN0287, subject to the following conditions:

1. This Conditional Use shall be granted to and for Barbara F. Garris, exclusively, and shall not be transferable nor run with the land. (P)
2. There shall be no exterior additions or alterations to the existing structure to accommodate this use. (P)
3. There shall be no signs permitted to identify this use. (P)

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

05SN0298

In Bermuda Magisterial District, LINDA GURR AND RANDY JACKSON request rezoning and amendment of zoning district map from Residential (R-7) to Neighborhood Office (O-1). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for mixed use: neighborhood office and single family residential use. This request lies on 0.3 acre and is known as 3635 West Hundred Road. Tax ID 792-656-1520 (Sheet 26).

Mr. Turner presented a summary of Case 05SN0298 and stated the Planning Commission and staff recommended approval and acceptance of the proffered conditions.

Ms. Valerie Gurr, representing the applicants, stated the recommendation is acceptable.

Mr. Barber called for public comment.

No one came forward to speak to the request.

On motion of Mr. King, seconded by Mr. Miller, the Board approved Case 05SN0298 and accepted the following proffered conditions:

1. Prior to any site plan approval, forty-five (45) feet of the right-of-way on the south side of Route 10, measured from the centerline of that part of Route 10 (5 feet from existing line) immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
2. Direct access from the property to Route 10 shall be limited to one (1) entrance/exit. The exact location of this entrance/exit shall be approved by the Transportation Department. Prior to any site plan

approval, an access easement acceptable to the Transportation Department shall be recorded across the property. (T)

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

05SN0302

In Midlothian Magisterial District, ALLEN M. TWEDT requests amendment to Conditional Use Planned Development (Case 82SN0016) and amendment of zoning district map relative to signage. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for village shopping district use. This request lies in a Neighborhood Business (C-2) District on 0.8 acre fronting approximately 160 feet on the south line of Midlothian Turnpike approximately 250 feet east of Coalfield Road. Tax ID 729-707-2778 (Sheet 5).

Mr. Turner presented a summary of Case 05SN0302 and stated the Planning Commission and staff recommended approval.

Mr. Henry Moore, representing the applicant, stated the recommendation is acceptable.

Mr. Barber called for public comment.

No one came forward to speak to the request.

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board approved Case 05SN0302.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

05SN0323

In Bermuda Magisterial District, CMA PROPERTIES, INC. AND CARTER MYERS, III request Conditional Use Planned Development and amendment of zoning district map to allow a second freestanding sign. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for general commercial use. This request lies in a General Business (C-5) District on 4.9 acres fronting approximately 760 feet on the east line of Interstate 95 approximately 500 feet south of Ruffin Mill Road. Tax ID 804-637-Part of 4161 (Sheet 35).

Mr. Turner presented a summary of Case 05SN0323 and stated staff recommended denial because the current sign standards of the ordinance provide adequate identification for uses on the property and approval of the request could encourage other businesses to seek similar exceptions. He further stated the Planning Commission recommended approval and acceptance of one proffered condition.

Mr. Carter Myers, representing the applicant, stated the applicant has proffered to limit the height and size of the sign and requested the Board's support.

Mr. Barber called for public comment.

No one came forward to speak to the request.

On motion of Mr. King, seconded by Mr. Warren, the Board approved Case 05SN0323 and accepted the following proffered condition:

A second freestanding sign identifying a motor vehicle sales business shall be permitted along I-95. Such sign shall not exceed 100 square feet in area and thirty (30) feet in height. (P)

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

05SR0115

In Matoaca Magisterial District, FREDERICK YAKELEWICZ AND MARIANNE YAKELEWICZ request renewal of Conditional Use (Case 02SN0246) and amendment of zoning district map to permit a mobile auto repair and service business. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for 1-5 acre lots suited to R-88 zoning use. This request lies in an Agricultural (A) District on 4.5 acres fronting approximately 495 feet on the north line of Lakeview Avenue, approximately 700 feet east of Branders Bridge Road. Tax ID 794-623-Part of 5456 (Sheet 41).

Ms. Beverly Rogers presented a summary of Case 05SR0115 and stated the request was deferred from the August 24, 2005 meeting to allow the applicants an opportunity to take the steps necessary to bring the site into compliance with zoning and building codes. She further stated the applicants have filed an approvable site plan provided the Board grants reduced setbacks and buffers from those recommended by the Planning Commission and that the Planning Commission grants a development standards waiver to allow a gravel parking area. She stated the applicants have filed for a development standards waiver; however, the Commission cannot act upon that request unless the Board grants the pending renewal of the conditional use. She further stated the applicants have worked with the Building Official's office to inspect the property, develop a list of visible deficiencies and to submit plans and the necessary applications for building permits to allow work to be performed on the site to correct those deficiencies. She stated the building permit cannot be approved until the Board makes a decision on the appropriateness of the conditional use. She further stated, at the August 24th meeting, the applicants requested numerous changes to the conditions that were recommended by the Planning Commission, and since that time have narrowed the request to two modifications from what was recommended by the Planning Commission - 1) increase the time limit on the conditional use from two to five years; and 2) reduce the buffers on the eastern boundary from 85 feet to 75 feet, the

western boundary from 100 feet to 50 feet, and to reduce the setbacks from Lakeview Road from 130 feet to 100 feet. She stated staff recommends denial because the use does not conform to the Southern and Western Area Plan. She stated the Planning Commission recommended approval, noting that the conditions address the impacts on the area and that staff has the ability to take the necessary enforcement actions to bring the site into compliance with the various codes.

Mr. Frederick Yakelewicz stated he has been working hard with staff and feels progress has been made.

Mrs. Humphrey stated she is comfortable with the buffer and setback reductions, but she cannot support renewal of the conditional use for five years. She expressed concerns relative to the building code violations, stating that she had hoped to see some physical evidence that corrections were being made.

Mr. Yakelewicz stated numerous inspectors have come to his site, and the building permits have been paid for. He further stated it has been confusing with Building Inspection informing him he cannot perform work until the plans are approved, yet the Board of Supervisors is telling him he needs to perform the work. He stated materials have been purchased and the work has begun.

Mr. Dupler stated Mr. Yakelewicz has submitted a set of plans that Building Inspection is ready to approve, but the permits cannot be issued until the Board takes action on the conditional use application.

In response to Mrs. Humphrey's question, Mr. Micas stated if the Board approves the renewal of the conditional use and the applicant does not correct the building code violations, staff would enforce the code and Mr. Yakelewicz would be prevented from using the building.

Mr. Dupler stated staff would issue a notice of violation and provide a timeframe for compliance. He further stated if Mr. Yakelewicz did not correct the violations, then staff would issue a summons for Mr. Yakelewicz to appear in court.

Mr. Miller expressed concerns that staff has made numerous efforts since 2002 to assist the applicants in bringing the site into compliance with zoning and building code requirements. He also expressed concerns that Building Inspection has identified 21 separate violations and not identified any specific corrections the applicants have made as a result of visits from Building Inspection staff.

In response to Mr. Barber's question, Mr. Dupler stated he believes the Building Code violations could be corrected within 30 to 60 days.

Mr. Barber inquired about the possibility of granting the conditional use permit for a short period of time, such as 60 days.

Mr. Micas stated the applicant would have to pay another application fee, and he would not recommend granting the permit for less than one year. He further stated land use

decisions should not be used as mechanisms to enforce code violations.

Mr. Barber stated, given the history of the case, he has very little confidence that the applicants will respect the zoning or building codes.

Mr. Barber then called for public comment.

Ms. Carolyn Temple, accompanied by Mr. Everett Temple, stated she does not support the conditional use for a five-year period.

Mr. Everett Temple expressed concerns that Mr. Yakelewicz was given 30 days to correct the code violations, yet still has not done so. He also expressed concerns that the applicants have done things on the site without the proper permits.

No one else came forward to speak to the request.

Mr. Yakelewicz stated he has been operating his business for 13 years and moved to this location in August 2003. He provided details of situations that have evolved since moving to the location, including destruction of his building by Hurricane Isabel and subsequent miscommunications with staff. He stated the Planning Commission has recommended approval of the request, and he does not see a problem with bringing the site into compliance within 60 days. He further stated he has not misled the Board in any way and is doing the best he can to move forward.

Mr. Barber stated Planning Commissioners have indicated to him that they consciously placed as many conditions as possible on the request to make it as acceptable as possible, and he could not imagine approving this conditional use without the conditions suggested by the Planning Commission. He further stated he sees a conditional use as a contract with the community and expressed concerns that he has not seen adherence by the applicant for quite some time. He stated he does not have great faith that the applicants will follow through with addressing violations. He further stated he would support the conditional use permit for six months, but is not sure whether one year is appropriate. He stated the Board does the conditional use process a disservice by allowing it to be undermined for such a long time.

Mr. King stated he has had reservations about this request, particularly with the applicants' non-adherence to the county's requests. He further stated he would not support a conditional use permit for more than one year.

Mrs. Humphrey stated she wants Mr. Yakelewicz to succeed, but the neighbors' concerns are valid.

Mrs. Humphrey made a motion for the Board to approve Case 05SR0115, as amended, subject to conditions 1 through 7, 9 through 11 and 13 as recommended by the Planning Commission; amend condition 8 to allow the use for one year; and accept the applicants' proffered condition 2 and not accept the Planning Commission's condition 12.

Ms. Rogers stated it is her understanding, since the motion includes only one of the applicants' proffered conditions,

the applicants would have to agree to that in order for it to stand.

Mr. King seconded Mrs. Humphrey's motion.

Mr. King stated if the applicant is not in full compliance in one year, he will not support an additional renewal.

Mr. Miller expressed concerns that the applicants have been in violation of zoning conditions since 2002, noting that the land use plan does not support this use. He stated he has seen no progress towards correcting building code violations, and he believes the process itself has been abused. He further stated he will not support the motion.

Mr. Warren stated it bothers him that the Board would send a message to staff to enforce the law and be consistent, yet approve a request when nothing has been done to correct the violations that clearly exist.

In response to Mr. Barber's question, Mr. Micas stated a 60-day deferral would not improve the situation because an appropriate land use determination is necessary before many of the technical deficiencies can be addressed.

Mrs. Humphrey stated there does not appear to be enough support for her motion to approve the request.

Mrs. Humphrey then withdrew her motion.

Mr. King accepted the withdrawal.

Mrs. Humphrey then made a motion, seconded by Mr. King, for the Board to deny Case 05SR0115.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

Mrs. Humphrey excused herself from the meeting.

04SN0286

In Clover Hill Magisterial District, MTV DEVELOPMENT COMPANY, LLC requests rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12). Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for medium density residential use of 1.51 to 4.0 units per acre. This request lies on 8.1 acres fronting approximately 670 feet on the south line of Reams Road across from Heppel Road, also fronting approximately 185 feet on the east line of Adkins Road approximately 400 feet south of Reams Road. Tax ID 750-701-2244 (Sheet 6).

Ms. Jane Peterson presented a summary of Case 04SN0286 and stated staff recommended approval subject to the applicant adequately addressing the impact of the proposed development on school, fire, park and library facilities, consistent with the Board's policy. She further stated the full cash proffer amount has been allocated to road improvements only. She noted the proposed zoning and land uses conform to the

Northern Area Plan. She further stated the Planning Commission, on a vote of three to two, recommended approval and acceptance of the proffered conditions, indicating that the zoning complies with the Plan and that, while the impact on all capital facilities has not been addressed, the road needs in the area are a priority.

Mr. Richard Minter, representing the applicant, stated the Clover Hill District Planning Commissioner requested that the cash proffer be directed towards transportation improvements in the area. He further stated the applicant has also agreed to provide additional funding for road improvements, supplementing the cash proffer. He stated there has been no opposition from residents in the area.

Mr. Barber called for public comment.

Ms. Andrea Epps stated while she supports the proposed development, the cash proffer policy provides for the division of funds among roads, fire, schools and libraries. She cautioned the Board about approving zoning requests and funding only one capital facility at the expense of others.

Mr. Minter stated the applicant has provided a full cash proffer and is willing to direct it to whatever capital facilities the county desires.

There being no one else to speak to the request, the public hearing was closed.

Mr. Barber expressed concerns relative to setting a precedent with the Planning Commission altering the county's budgetary process through the distribution of cash proffers.

In response to Mr. Barber's questions, Mr. McCracken stated funds have been identified in the Six-Year Plan to begin the first phase of the Adkins Road/Reams Road intersection improvements. He expressed concerns that bids for road projects are increasing significantly, indicating that although funds are available to improve the intersection, he would feel more comfortable knowing that additional transportation funds were available through this zoning request.

Mr. Barber stated, although this is a small case, he is reluctant to support it without the cash proffer being accepted using the traditional methodology.

Mr. Warren stated, although he, too, has concerns about dedicating the entire cash proffer for one capital facility, the applicant provided the cash proffer for transportation based on a majority of the Planning Commission members supporting the request, and also went beyond the full cash proffer to add additional funding for roads. He further stated, although it is not his preferable approach, the applicant has done everything he can possibly do; therefore, he will support the request.

Mr. Warren then made a motion, seconded by Mr. Miller, for the Board to approve Case 04SN0286 and accept the proffered conditions.

Mr. Miller stated the Board has approved other zoning requests with the entire cash proffer being provided for transportation. He further stated he does not believe this destroys the cash proffer methodology, but enhances it by allowing the Board to review zoning requests on a case-by-case basis.

Mrs. Humphrey stated the applicant has presented a good in-fill development case. She suggested that the Board reiterate to the Planning Commissioners that their job is to address land use applications, and not to make financing decisions.

Mr. King stated he will support the case, although he has strong concerns that education and public safety are equally as important as roads.

Mr. Barber requested that Mr. Ramsey develop a policy statement to share with the Planning Commission indicating that cash proffer distribution is the Board's prerogative. He stated the Planning Commission could send a choice of two different proffered conditions for the Board to decide upon. He noted the transportation and school sheds differ and stated he does not like the idea that children in the Midlothian District will be deprived of school funding if the request is approved as proffered. He stated he will not support the motion.

Mr. Miller stated he has no problem communicating a cash proffer distribution policy statement to the Planning Commission, but does not feel the Board should be too harsh on the Planning Commission because they are trying to do their job by sending the best possible cases to the Board.

Mr. Ramsey stated he has requested a report on the number of cases where the Board has provided cash proffers for one capital facility rather than distributing them using the methodology in the Board's cash proffer policy. He further stated staff will draft a policy direction relating to cash proffer distribution for the Board's consideration. He noted there may be unusual circumstances when providing the cash proffer for one facility over others would be appropriate.

Mr. Warren stated he feels a policy regarding cash proffer distribution is a step in the right direction.

Mr. Barber called for a vote on the motion of Mr. Warren, seconded by Mr. Miller, for the Board to approve Case 04SN0286 and accept the following proffered conditions:

1. Public water and wastewater systems shall be used. (U)
2. Prior to recordation of each subdivision plat, the developer shall pay to Chesterfield County \$11,500.00 for each lot to be recorded with such plat. In addition, prior to recordation of the initial subdivision plat, the developer shall pay \$30,000.00 to Chesterfield County. These payments shall be used for road improvements within Traffic Shed 4, such as at the Reams Road/Adkins Road intersection, or for road improvements that provide relief to that Traffic Shed. (T & BM)

3. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the property until a land disturbance permit has been obtained from the Environmental Engineering Department and approved devices have been installed. (EE)
4. The minimum gross floor area for all dwelling units shall be 1800 square feet. (BI & P)
5. All exposed portions of the foundation of each dwelling unit and all exposed piers supporting front porches shall be faced with brick or stone veneer. (BI & P)
6. All streets within the development shall be constructed with curb and gutter. (P & EE)
7. A maximum of eighteen (18) dwelling units shall be permitted on the property. The overall average lot size shall be thirteen thousand five hundred (13,500) square feet. (P)
8. Manufactured homes shall not be permitted. (P)
9. There shall be no access to Reams Road except for the driveway which serves Tax ID 749-701-9156. (T)
10. Prior to recordation of the initial subdivision plat, the Reams Road at Adkins Road turn lane project shall be complete, as determined by the Transportation Department. (T & P)
11. Within the fifty (50) foot buffer required along Reams Road, a minimum four (4) foot high berm with 3:1 maximum side slopes and Perimeter Landscape C shall be provided. The grading and landscaping plan for such buffer area shall be submitted to the Planning Department for approval in conjunction with the tentative plat review. (P)
12. In conjunction with the recordation of the initial subdivision plat or within thirty (30) days of a request by the Transportation Department, whichever occurs first, thirty-five (35) feet of right-of-way on the east side of Adkins Road and forty-five (45) feet of right-of-way on the south side of Reams Road, measured from the centerlines of those roads immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
13. Direct access from the property to Adkins Road shall be limited to one (1) public road. The exact location of this public road shall be approved by the Transportation Department. (T)

Ayes: King, Humphrey, Miller and Warren.

Nays: Barber.

Mr. Barber requested a five-minute recess.

Reconvening:

15.K. HEARINGS OF CITIZENS ON UNSCHEDULED MATTERS OR CLAIMS

- o **MR. BOB HERNDON WILL ADDRESS THE BOARD RELATIVE TO AN ITEM HE BELIEVES SHOULD BE ADDED TO THE BOARD OF SUPERVISORS' 2006 LEGISLATIVE PACKAGE**

Mr. Bob Herndon recommended that the Board present an amendment to the County Charter to the General Assembly providing for an election of the Chairman of the Board of Supervisors at large and also providing additional powers and duties of the elected chairman. He stated there are at least four other counties in the state who currently elect a chairman at large and discussed advantages of this. He suggested that the Board move this recommendation forward to the public hearing process and then to the county's 2006 legislative agenda.

16. PUBLIC HEARINGS

16.A. TO CONSIDER AMENDMENTS TO SECTIONS 14-14 THROUGH 14-16 OF THE COUNTY CODE REGULATING THE USE OF PNEUMATIC GUNS IN THE COUNTY

Mr. Micas stated this date and time has been advertised for a public hearing for the Board to consider ordinance amendments relative to regulating the use of pneumatic guns in the county. He further stated Mrs. Humphrey created a citizens committee, which included representation from the Commonwealth's Attorney, Police Department, and County Attorney's office, following the Board's public hearing on July 27, 2005, when concerns were raised regarding technical language in the ordinance. He stated the ordinance revisions for this public hearing as well as the one relating to carrying loaded firearms and discharging loaded firearms on or near public highways, public schools or public parks are a result of that committee's work.

In response to Mr. Miller's questions, Mr. Micas stated the regulation of pneumatic guns by minors below the age of 16 is optional and not mandated by state. He further stated the county has had restrictions on minors discharging air guns for many years, and the ordinance amendment will add paintball guns to this regulation.

Mr. Miller stated he believes requiring minors under age 16 to be supervised while using pneumatic guns is too restrictive. He further stated there appears to be a typo in Section 14-16(b), and that the word "of" should be deleted following "uses" and prior to "pneumatic guns."

In response to Mr. Miller's questions, Captain Dan Kelly stated there have been numerous vandalism incidents resulting from the use of BB guns. He further stated many of these incidents are handled with the parents and no charges are filed.

Discussion ensued relative to the number of vandalisms, brandishings and assaults using paintball guns.

Mr. Barber called for public comment.

Mr. Philip Van Cleave, a resident of Woodlake and member of the Virginia Citizens Defense League, stated part of gun ownership is learning responsibility, indicating that he would support an option that if a minor was far enough away from other residences, he would be allowed to use a pneumatic gun without supervision.

Mr. Zack Jillani stated he supports Mr. Miller's theory that if a minor is far enough away from a residence or building, parental supervision is not necessary. He further stated he supports the proposed ordinance changes. He referred to Section 14-15(b) and stated ear protection is not required for paintballs since they do not produce noise. He then referred to Sections 14-16(b) and (c), stating that these sections are unclear relative to 16 year olds. He suggested that Section 14-16(c) be revised to read, "Minors age 16 or older. . ." He stated Sections 14-14(b) and (c) prevent legitimate paintball fields from renting equipment and selling equipment to its minor players and suggested amendments stating that paintball fields can lend, loan, sell or otherwise transfer a pneumatic gun to a minor if a signed consent from is presented.

Mr. Don Hager, owner of Splat Brothers Paintball, stated paintball is a rapidly growing sport. He further stated if he hears about any type of vandalism or other offense using a paintball gun, he contacts the Police Department with the information. He stated he believes the ear protection referred to in the ordinance is addressed through the headset and goggles that are required to be worn at commercial fields. He further stated he requires a waiver to be signed for all renters of paintball equipment, and insurance laws require the consent of a parent or guardian to rent equipment to minors under the age of 18. He expressed concerns that minors can purchase paintball equipment via the Internet and to the lack of safety because of the speed of a paintball guns in "renegade ball," or backyard play. He stated commercial fields have lots of rules and regulations to adhere to and he thinks the proposed ordinance is great.

Mr. Steve Meadows, a paintball player, expressed concerns relative to controlling the use of private property. He stated he believes in personal responsibility and noted there are already laws that address both vandalism and shooting with malice. He further stated the paintball industry is regulating itself and cautioned the Board about placing additional rules and regulations on the use of paintball guns.

Mr. Brian Sanford stated he believes the punishment for vandalism should be more severe, indicating that he has witnessed BB gun incidents, and minors do not learn from community service. He stated he believes it is a good idea for minors to be supervised by parents when using BB or paintball guns.

Mr. Kelton Lowrey, operator of Rockwood Paintball, stated he has offered rewards for information about persons responsible for vandalisms and malicious woundings using paintball guns, but noted vandals would use other methods if paintball guns were not available to them. He inquired whether he would be considered a legal adult if a minor is dropped off by a

parent who has signed a waiver form, indicating that this represents 75 percent of his business. He stated insurance requires paintball participants to be a minimum of 12 years old with parental permission. He further stated he thinks it should be the parents' responsibility to determine if their minor child is able to play at a paintball field without their direct supervision, under the supervision of a professional who understands the rules and guidelines that need to be followed. He also inquired whether the ordinance provision regarding firing of pneumatic guns within 300 feet of a dwelling or building would include licensed facilities.

Captain Kelly stated the 300-foot provision would not apply to approved businesses. He further stated minors can be dropped off at paintball facilities if a waiver is signed, and the business owner becomes an approved adult for supervision.

There being no one else to speak to the ordinance amendments, the public hearing was closed.

Mr. Barber thanked Mrs. Humphrey for suggesting the working group to address the ordinance amendments, and stated he will support the proposed ordinance.

Mr. Miller stated he will support the ordinance with some degree of regret because he believes responsible teenagers who live in agricultural areas should be allowed to shoot BB guns without parental supervision.

Mrs. Humphrey thanked the members of the committee who participated in discussions regarding the ordinance amendments. She stated the ordinance amendments will better define the county code, indicating that it is still a fluid document.

Mr. Miller recommended a change in Section 14-16(c) to clarify that minors age 16 or older may use a pneumatic gun with the written consent of a parent or guardian at any place designated for such use by the county or on private property with the consent of the owner.

Discussion ensued relative to Section 14-16(b) requiring supervision of minors below the age of 16.

Mrs. Humphrey made a motion, seconded by Mr. King, for the Board to adopt the ordinance amendments regulating the use of pneumatic guns in the county, including the additional language suggested by Mr. Miller, to clarify the language regarding minors 16 years of age and older.

Mr. Barber called for a vote on the motion of Mrs. Humphrey, seconded by Mr. King, for the Board to adopt the following ordinance:

AN ORDINANCE TO AMEND THE CODE OF THE COUNTY
OF CHESTERFIELD, 1997, AS AMENDED, BY AMENDING
AND RE-ENACTING SECTIONS 14-14, 14-15 and 14-16 RELATING
TO PNEUMATIC GUNS GENERALLY, DISCHARGING PNEUMATIC GUNS,
DISCHARGE OF PNEUMATIC GUNS BY MINORS, AND PROVIDING
FOR A PENALTY

BE IT ORDAINED by the Board of Supervisors of Chesterfield County:

(1) That Sections 14-14, 14-15 and 14-16 of the Code of the County of Chesterfield, 1997, as amended, are amended and re-enacted to read as follows:

Sec. 14-14. Same-Pneumatic guns generally.

(a) The following words and phrases, when used in Sections 14-14, 14-15 and 14-16, shall have the following meanings:

Pneumatic gun: Any implement, designed as a gun, that will expel a BB or a pellet by action of pneumatic pressure, including, but not limited to a paintball gun that expels by action of pneumatic pressure plastic balls filled with paint for the purpose of marking the point of impact. Weapons classified as firearms are specifically excluded from this definition.

Dealer: A person engaged in the business of selling, renting, lending or otherwise transferring pneumatic guns, projectiles, pistols, revolvers or rifles.

Minor: A person under the age of 18 years.

Projectile: A fired or otherwise projected object, such as a bullet, having no capacity for self propulsion.

(b) No dealer shall sell, lend, rent or otherwise transfer a pneumatic gun, or projectiles for a pneumatic gun, to any person whom the dealer knows or has reasonable cause to believe to be a minor.

(c) No person shall give, sell, rent, lend or otherwise transfer any pneumatic gun, or projectiles for a pneumatic gun, to a minor, unless the relationship of parent and child, guardian and ward or adult instructor and pupil exists between the person and the minor.

(d) Any person violating the provisions of this section shall be guilty of a misdemeanor punishable by a fine of not more than \$500.00.

Sec. 14-15. Same-Discharging pneumatic guns across highways, etc.

(a) No person shall discharge any pneumatic gun on or across any street, sidewalk, alley, public road or public land of the county except on a properly constructed shooting range or on other property where firearms may be discharged.

(b) Commercial or private areas designated for use of pneumatic paintball guns may be established and operated for recreational use if in compliance with all other applicable laws or regulations. Equipment designed to protect the face and ears shall be provided to participants at such recreational areas, and signs must be posted to warn against entry into the paintball area by persons who are unprotected or unaware that paintball guns are in use.

(c) Any person violating the provisions of this section shall be guilty of a misdemeanor punishable by a fine of not more than \$500.00.

Sec. 14-16. Same--Discharge of pneumatic guns by minors.

(a) No minor shall discharge any pneumatic gun outdoors within 300 feet of the dwelling of another, a business establishment, private building, public gathering or public meeting place, unless the minor is accompanied by his parent or guardian, or otherwise supervised in accordance with this section.

(b) Any minor below the age of 16 who uses pneumatic guns on private or public property shall be supervised by a parent, guardian, or other adult supervisor approved by a parent or guardian.

(c) Minors the age of 16 or older may, with the written consent of a parent or guardian, use a pneumatic gun at any place designated for such use by the County or on private property with the consent of the owner.

(d) Any minor, whether permitted by a parent or guardian to use a pneumatic gun or not, shall be responsible for obeying all laws, regulations and restrictions governing such use.

(e) Training of minors in the use of pneumatic guns shall be done only under direct supervision of a parent, guardian, Junior Reserve Officers Training Corps instructor, or a certified instructor. Training of minors above the age of 16 may also be done without direct supervision if approved by the minor's instructor, with the permission of and under the responsibility of a parent or guardian, and in compliance with all requirements of this section. Ranges and instructors may be certified by the National Rifle Association, a state or federal agency that has developed a certification program, any service of the Department of Defense, or any person authorized by these authorities to certify ranges and instructors.

(f) Any person violating the provisions of this section shall be guilty of a misdemeanor punishable by a fine of not more than \$500.00.

(2) That this ordinance shall become effective immediately upon adoption.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

16.B. TO CONSIDER AMENDMENTS TO COUNTY CODE SECTIONS 14-9, 14-10 AND 14-11 RELATING TO CARRYING LOADED FIREARMS AND DISCHARGING LOADED FIREARMS ON OR NEAR PUBLIC HIGHWAYS, PUBLIC SCHOOLS, OR PUBLIC PARKS

Captain Kelly stated this date and time has been advertised for a public hearing for the Board to consider ordinance amendments relative to carrying loaded firearms and discharging loaded firearms on or near public highways, public schools, or public parks. He further stated the

ordinance amendments will bring the County Code into compliance with state law.

Mr. Barber called for public comment.

Mr. Philip Van Cleave, representing the Virginia Citizens Defense League, expressed concerns regarding the proposed amendments to Section 14-9 relative to carrying of loaded firearms on public highways, indicating that the Defense League is trying to have the enabling state legislation overturned at the 2006 General Assembly session. He stated the Defense League does not want any doubt that a person who is lawfully walking down the street carrying a handgun for self defense to fall in this category because he does not have permission to hunt on both sides of the road. He further stated he supports the remainder of the ordinance. He recognized five members of the audience who stood in support of his comments.

Mr. Joe Cacciotti stated he is confused about the distance that hunting gunfire must occur from a public highway.

Mr. Micas stated the proposed ordinance does not change anything relative to the distance that hunting gunfire must occur away from a public highway.

There being no one else to speak to the ordinance amendments, the public hearing was closed.

Mr. Miller expressed concerns that the ordinance does not address the discharging of firearms within a certain distance from a public highway.

Captain Kelly stated the discharging of firearms in proximity to roadways is covered in another section of state law.

Mr. Miller inquired why the word "person" is being replaced by "hunter" in Section 14-11(b).

Mr. Micas stated the language change from "person" to "hunter" was suggested by the committee.

Mr. King stated he understands the intent of changing the word "person" to "hunter" is not to deny people the right to carry weapons, but feels it would be more appropriate to use the word "person" rather than "hunter."

Discussion ensued relative to the determination of who is a "hunter."

Mr. Barber inquired whether it would be appropriate to use the word "person" in place of "hunter" in Section 14-11(b).

Mr. Micas stated staff would support the word "person" in Section 14-11(b).

Mr. Miller stated he believes language should be added at the end of Section 14-11(b) to clarify an exemption, by adding "or as otherwise permitted by state law."

Discussion ensued relative to changing the word "hunter" to "person."

Mr. Van Cleave stated the enabling state legislation uses the term "hunter."

Mr. Micas stated Mr. Miller's suggested exemption to be added at the end of Section 14-11(b) would take care of any issues between "hunter" and "person."

Mrs. Humphrey made a motion for the Board to adopt the ordinance amendments relating to carrying loaded firearms on public highways, discharging firearms, hunting or carrying loaded firearms near public schools or parks, and providing for a penalty, including the language change in Section 14-11(b) from "hunter" to "person" and the addition of language at the end of Section 14-11(b) suggested by Mr. Miller.

Mr. Warren seconded the motion.

Mr. Barber called for a vote on the motion of Mrs. Humphrey, seconded by Mr. Warren, for the Board to adopt the following ordinance:

AN ORDINANCE TO AMEND THE CODE OF THE COUNTY
OF CHESTERFIELD, 1997, AS AMENDED, BY AMENDING
AND RE-ENACTING SECTIONS 14-9, 14-10 AND 14-11 RELATING TO
CARRYING LOADED FIREARMS ON PUBLIC HIGHWAYS,
DISCHARGING FIREARMS, HUNTING OR CARRYING LOADED
FIREARMS NEAR PUBLIC SCHOOLS OR PARKS,
AND PROVIDING FOR A PENALTY

BE IT ORDAINED by the Board of Supervisors of Chesterfield County:

(1) That Sections 14-9, 14-10 and 14-11 of the Code of the County of Chesterfield, 1997, as amended, are amended and re-enacted to read as follows:

Sec. 14-9. Same - Carrying loaded firearms on public highways.

- (a) No person shall carry or have a loaded firearm in his possession while standing or walking on any part of a public highway within the county when such person is not authorized to hunt on the private property on both sides of the highway along which he is standing or walking. The provisions of this section shall not apply to (i) persons carrying loaded firearms in moving vehicles; (ii) persons acting at the time in defense of persons or property; or (iii) persons carrying firearms as permitted pursuant to the provisions of Virginia Code Sections 18.2-287.4 and 18.2-308.1.
- (b) Any person violating the provisions of this section shall be guilty of a misdemeanor punishable by a fine of not more than \$100.00.

Sec. 14-10. Same--Discharging firearms.

- (a) No person shall discharge any firearm within the county within 600 feet of a (i) dwelling of another; (ii) business establishment; (iii) public building; (iv) public gathering; or (v) public meeting place.

- (b) Any person violating the provisions of this section shall be punishable by a fine of not more than \$1,000.00.
- (c) This section shall not apply to a (i) law-enforcement officer in the performance of his official duties; (ii) any person whose discharge of a firearm is justifiable or excusable at law in the protection of life or property; (iii) the discharge of a firearm for the killing of deer pursuant to Virginia Code Section 29.1-529. This exemption shall apply on land of at least five acres that is zoned for agricultural use; or (iv) the discharge of a firearm that is otherwise specifically authorized by law.

Sec. 14-11. Same--Hunting or carrying a loaded firearm near public schools or parks.

- (a) No person shall shoot, hunt or attempt to hunt with a firearm within 100 yards of any property line of any county public school or county park.
 - (b) No person shall transport, possess or carry a loaded firearm within 100 yards of any property line of any county public school or county park, except as otherwise permitted by state law.
 - (c) This section shall not apply to lands within a national or state park, state forest or wildlife management area.
 - (d) The provisions of this section shall not apply to the discharge of a firearm for the killing of deer pursuant to Virginia Code Section 29.1-529. This exemption shall apply on land of at least five acres that is zoned for agricultural use.
 - (e) Any person violating the provisions of this section shall be guilty of a class 4 misdemeanor.
- (2) That this ordinance shall become effective immediately upon adoption.

Ayes: Barber, King, Humphrey, Miller and Warren.
Nays: None.

Mrs. Humphrey excused herself from the meeting.

On motion of Mr. Barber, seconded by Mr. Warren, the Board suspended its rules at this time to consider agenda items after 11:00 p.m.

Ayes: Barber, King and Warren.
Nays: None.
Absent: Humphrey and Miller.

Mrs. Humphrey returned to the meeting.

16.C. TO CONSIDER AMENDMENTS TO SECTIONS 19-185, 19-192, 19-195, 19-199, AND 19-523 OF THE COUNTY CODE RELATING TO SETBACKS IN INDUSTRIAL ZONED DISTRICTS

Mr. Greg Allen, Planning Administrator, stated this date and time has been advertised for a public hearing for the Board to consider ordinance amendments relative to setbacks in Industrial Zoned Districts. He further stated the Planning Commission recommended approval to delete the setbacks in I-2 and I-3 Districts but expressed concerns relative to I-1 Districts from the standpoint that the remaining buffer in I-1 is only 50 feet by current code, and therefore recommended not approving deletion of buffers in I-1 Districts. He stated staff would prefer a consistent ordinance that addresses all three Industrial Districts. He further stated the proposed ordinance amendments establish a 100-foot buffer in all three Industrial Zoned Districts, which basically is equal to the 100-foot setback currently required in I-1 Districts. He stated any possible amendment to the buffer can be handled by the Planning Commission at the time of site plan review rather than applying for a variance through the Board of Zoning Appeals. He further stated staff supports the revised ordinance amendments.

Mr. Barber called for public comment.

Ms. Andrea Epps stated she believes deleting the setbacks would make it easier for industrial property to be developed. She further stated she trusts that development standards will continue to ensure compatibility of development.

Mr. Steve Meadows, President of the Gateway Association, stated he believes deleting setbacks is a great idea.

There being no one else to speak to the ordinance amendments, the public hearing was closed.

On motion of Mr. King, seconded by Mrs. Humphrey, the Board adopted the following ordinance:

AN ORDINANCE TO AMEND THE CODE OF THE COUNTY OF CHESTERFIELD, 1997, AS AMENDED, BY AMENDING AND RE-ENACTING SECTION 19-185, 19-192, 19-195, 19-199 AND 19-523 RELATING TO SETBACKS IN INDUSTRIAL ZONED DISTRICTS

BE IT ORDAINED by the Board of Supervisors of Chesterfield County:

(1) That Sections 19-185, 19-192, 19-195, 19-199 and 19-523 of the Code of the County of Chesterfield, 1997, as amended, are amended and re-enacted to read as follows:

Sec. 19-185. Required conditions.

In addition to the other requirements of this chapter, the conditions specified in this section shall be met in the I-1 District.

- (a) All uses, including storage, shall be conducted entirely within an enclosed building, except for accessory parking, loading and unloading facilities, and vehicle storage as allowed per section 19-181(j).

- (b) The uses permitted in this district shall be those uses which are dependent upon raw materials first processed elsewhere.
- (c) Loading areas shall be oriented away from any existing R, R-TH or R-MF District or property currently zoned agricultural and shown on the comprehensive plan for residential use.

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Sec. 19-192. Required conditions.

In addition to the other requirements of this chapter, the conditions specified in this section shall be met in the I-2 District.

- (a) The uses permitted in this district are those uses which are dependent upon raw materials first processed elsewhere.

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Sec. 19-195. Uses permitted with certain restrictions.

The following uses shall be permitted in the I-3 District, subject to compliance with the following conditions and other applicable standards of this chapter. If the following restrictions cannot be met, these uses may be allowed by conditional use, subject to the provisions of section 19-13:

o o o

- (c) Junkyards provided that:

- (1) Such use is set back at least 100 feet from rights-of-way, 200 feet from any O, C or I-1 District and 300 feet from any A, R, R-TH, or R-MF District, subject to section 19-500.

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Sec. 19-199. Reserved.

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Sec. 19-523. Buffer width matrix.

The required width of buffers shall be determined from the following matrix. The left column of the matrix represents the zoning of the lot on which the buffer must be provided and the top column of the matrix represents the zoning district of property contiguous to the zoning lot. The interior numbers in the matrix represent the width in feet of the required buffer on the zoning lot. However, whenever the primary use on a parcel zoned O, C or I is a single family residential subdivision, adjacent parcels shall be required to apply the buffer matrix below as though the property is residentially zoned.

BUFFER WIDTH MATRIX

TABLE INSET:

		R-7/88
	A*	R-TH/R-MF
		MH Districts
A*	+	+
R-7/88	+	+
R-TH/R-MF	+	50**
MH Districts	+	50**
O-1	+	40
O-2	+	50
C-1	+	40
C-2	+	50
C-3	+	75
C-4	+	75
C-5	+	100
I-1	+ 100	100
I-2	+ 100	100
I-3	+ 100	100

*Note: In all zoning districts except Industrial zoned districts, buffers are only required adjacent to property zoned "A" when the property is vacant and its designation on the comprehensive plan is for residential uses. Property zoned I-1 through I-3 requires a buffer when adjacent to property zoned "A" that is occupied by a residential use or the property is designated on the comprehensive plan for residential uses.

**Note: Where property zoned R-7 through R-88 is adjacent to property zoned R-TH, R-MF, or MH, a buffer shall be required on the R-TH, R-MF, or MH property. No buffers are necessary between any single-family residential districts unless required by the board of supervisors, planning commission (modification to development standards and requirements only) or board of zoning appeals.

(2) That this ordinance shall become effective immediately upon adoption.

Ayes: Barber, King, Humphrey, Miller and Warren.
Nays: None.

16.D. TO CONSIDER AMENDMENTS TO SECTIONS 19-145 AND 19-301 OF THE CODE OF THE COUNTY OF CHESTERFIELD, 1997, AS AMENDED RELATING TO CHECK CASHING ESTABLISHMENTS AND INCIDENTAL CHECK CASHING SERVICES

Mr. Carl Schlaudt, Planning Administrator, stated this date and time has been advertised for the Board to consider ordinance amendments relative to check cashing establishments and incidental check cashing services. He further stated the ordinance amendments would allow incidental check cashing services as restricted uses in C-1 districts and define incidental check cashing services to make them different in the ordinance from stand-alone check cashing establishments.

Mr. Barber called for public comment.

Mr. Steve Meadows, representing the Gateway Association, stated he vehemently opposes any type of check cashing organizations in the county because of the fees they charge

and the lack of control over cashing of checks without proper identification. He further stated he is happy that the county is limiting the fees these establishments can charge, but thinks it would be much better if these operations were not allowed.

Mr. Barber stated the County Attorney has advised that the Board cannot ban a particular business from the county. He further stated the proposed ordinance will accommodate incidental check cashing services with a number of limitations.

Discussion ensued relative to the necessity of the county to accommodate all types of businesses.

Mr. Joe Cacciotti expressed concerns relative to allowing check cashing chains, that have partnered with out of state banks and are out of the control of state regulations, to locate in WalMart and other retail stores in the county because the county would have no control over the fee these establishments could charge. He stated he understands the county cannot keep these companies from locating here, but the Board can impose restrictions on how close they are placed to other check cashing services and requested that the Board consider imposing restrictions on the location of the establishments.

There being no one else to speak to the ordinance amendments, the public hearing was closed.

Mr. Barber stated he believes the proposed ordinance is as legally restrictive as it can be.

Mr. Barber then made a motion, seconded by Mr. Miller, for the Board to adopt ordinance amendments relating to check cashing establishments and incidental check cashing services.

Following brief discussion, it was generally agreed that staff prepare a subsequent amendment to include anti-packing provisions for check cashing services.

Mr. Miller stated he would also like to add language to the subsequent amendment restricting internal franchises by limiting the operations to primary users.

Mr. Micas stated the Board could accomplish this by adding Section 19-145(h)(5), as follows: "is operated by the primary user."

Mr. Barber amended his motion to include the addition of Section 19-145(h)(5).

Mr. Miller concurred with Mr. Barber's amended motion.

Mr. Barber called for a vote on his motion, seconded by Mr. Miller, for the Board to adopt the following ordinance:

AN ORDINANCE TO AMEND THE CODE OF THE COUNTY
OF CHESTERFIELD, 1997, AS AMENDED, BY AMENDING
AND RE-ENACTING SECTIONS 19-145 AND 19-301 OF THE ZONING
ORDINANCE RELATING TO INCIDENTAL CHECK CASHING SERVICES

BE IT ORDAINED by the Board of Supervisors of Chesterfield County:

(1) That Sections 19-145 and 19-301 of the Code of the County of Chesterfield, 1997, as amended, are amended and re-enacted to read as follows:

Sec. 19-145. Uses permitted with certain restrictions.

The following uses shall be permitted in the C-1 District subject to compliance with the following conditions and other applicable standards of this chapter. If the following restrictions cannot be met, these uses may be allowed by conditional use, subject to the provisions of section 19-13:

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(h) Incidental check cashing services, provided that such use:

- (1) is accessory;
- (2) does not display signs visible from the exterior of the building;
- (3) is located internal to the primary structure occupied by the permitted uses;
- (4) does not have separate exterior access open to the public; and
- (5) is operated by the primary user.

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Sec. 19-301. Definitions.

For the purposes of this chapter, the following words and phrases shall have the following meanings:

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Check cashing services, incidental: Cashing of checks, drafts or money orders for compensation, other than "check cashing establishments."

(2) That this ordinance shall become effective immediately upon adoption.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

16.E. TO CONSIDER PROPOSED ORDINANCE AMENDMENTS TO COUNTY CODE SECTION 19-26 REGARDING PUBLIC NOTICE REQUIREMENTS FOR ZONING AND CORRESPONDING CHANGES

Mr. Micas stated this date and time has been advertised for a public hearing for the Board to consider ordinance amendments relative to public notice requirements for zoning and corresponding changes. He noted these amendments are mandated by recent changes in state law.

Mr. Barber called for public comment.

Mr. Steve Meadows inquired who would receive notice and how the public at large would know that about zoning changes.

Mr. Micas stated all zoning changes are advertised and the proposed ordinance amendments would expand the requirement for written notice to all property owners whose density might be reduced as a result of a zoning change, in addition to those who are currently notified.

Mr. Meadows stated he supports additional notice requirements. He inquired whether notices of zoning changes can also be sent to organizations, such as the Gateway Association, Ruritan Clubs and Rotary Clubs whose membership includes a wide variety of citizens.

In response to Mr. Miller's question, Mr. Turner stated this information is made available through a mailing list to all organizations that request it.

Mrs. Humphrey noted that the county also places signs on all properties with pending zoning requests.

There being no one else to speak to the ordinance amendments, the public hearing was closed.

On motion of Mr. Warren, seconded by Mrs. Humphrey, the Board adopted the following ordinance:

AN ORDINANCE TO AMEND THE CODE OF THE COUNTY
OF CHESTERFIELD, 1997, AS AMENDED, BY AMENDING
AND RE-ENACTING SECTIONS 19-1 AND 19-26 RELATING TO
HEARINGS, NOTIFICATIONS AND POSTING OF PROPERTY AND THE
PURPOSES OF THE ZONING ORDINANCE

BE IT ORDAINED by the Board of Supervisors of Chesterfield County:

(1) That Sections 19-1 and 19-26 of the Code of the County of Chesterfield, 1997, as amended, are amended and re-enacted to read as follows:

Sec. 19-1. Purpose of chapter.

The purpose of this chapter is to promote the health, safety, convenience and general welfare of the public and to accomplish the objectives of Code of Virginia, §§ 15.2-2200 and 15.2-2283. To these ends, this chapter is designed:

(1) To provide for adequate light, air, convenience of access, and safety from fire, flood, crime and other dangers or conditions.

(2) To reduce or prevent congestion in the public streets.

(3) To facilitate the creation of a convenient, attractive and harmonious community.

(4) To facilitate the provision of adequate police and fire protection, disaster evacuation, civil defense, transportation, water, waste water, flood protection,

schools, parks, forests, playgrounds, recreational facilities, airports and other public requirements.

(5) To protect against destruction of or encroachment upon historic areas.

(6) To protect against one or more of the following: overcrowding of land, undue density of population in relation to the community facilities existing or available, obstruction of light and air, danger and congestion in travel and transportation, or loss of life, health, or property from fire, flood, panic or other dangers or conditions.

(7) To encourage economic development activities that provide desirable employment and enlarge the tax base.

(8) To provide for the preservation of agricultural and forestal lands and other lands of significance for the protection of the natural environment.

(9) To protect surface water and groundwater.

(10) To protect approach slopes and other safety areas of licensed airports, including United States government and military air facilities.

(11) To promote the creation and preservation of affordable housing suitable for meeting the current and future needs of the locality as well as a reasonable proportion of the current and future needs of the planning district within which the locality is situated; and

(12) To provide reasonable protection against encroachment upon licensed public-use airports, as well as military bases, military installations, and military airports and their adjacent safety areas, excluding armories operated by the Virginia National Guard.

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Sec. 19-26. Hearings; notification and posting of property.

(a) The adoption of any comprehensive plan, zoning district map or ordinance or amendment thereto; any request for zoning approval; appeal of a decision by the planning director or other administrative officer to the board of zoning appeals; application for interpretation of the district map to the board of zoning appeals; or application for creation of a historic district, or the designation of landmark and landmark sites shall be advertised by reference, giving a descriptive summary of the proposed action and the place or places within the county where copies of the proposed action may be examined. In the case of proposed action which involves an amendment to the zoning district map, the public notice shall state the general usage and density range of the proposed amendment and the general usage and density, if any, set forth in the applicable part of the comprehensive plan. None of the above-referenced actions shall be acted upon until notice of the intention to do so has been published once a week for two successive weeks in a newspaper published or having general circulation in the county. Such notices shall specify the time and place of hearing at which persons affected may appear and present

their views, and such hearing shall be held not less than five days nor more than 21 days after final publication.

(b) The director of planning shall, at least 21 days before the date of the first hearing on any request for zoning, or appeal of a decision by the planning director or other administrative officer to the board of zoning appeals, post on the land or building involved in any application or appeal, a notice of the public hearing as follows:

- (1) The notice shall be posted at reasonable intervals along streets abutting the subject property, or, if there is no abutting street, then at the proposed public street entrance to the property. The notice shall be posted in locations so as to be reasonably visible from public roads.
 - (2) Neither the holding of any public hearing, nor the validity of any action on an application or an appeal, shall be affected by the unauthorized removal of a notice which has been duly posted in accordance with this section.
- (c)(1) With regard to any action referred to in subsection (a) above, except amendments to the comprehensive plan, the owner of the affected parcel, as identified in the assessor's records, and the property owners identified in section 19-24(c) shall be given not less than 15 days' written notice sent by registered, certified or first class mail for any hearing on any such action. If the written notice is provided by first class mail, the director of planning shall make affidavit that the mailings have been made and file the affidavit with the papers in the case. If the public hearing is continued or deferred to a date that has not previously been advertised, notice shall be remailed. If the public hearing is continued or deferred to a date that has been previously advertised or if the public hearing is closed and the decision deferred to a later date, notice need not be remailed.
- (2) With regard to any action involving a change to the applicable zoning ordinance text regulations that decreases the allowed dwelling unit density of any parcels of land, the owner of the affected parcels, as identified in the assessor's records, shall be given not less than 15 days' written notice sent by registered, certified or first class mail for any hearing on any such action. Written notice of such changes to zoning ordinance text regulations shall not have to be mailed to the owner of lots shown on a subdivision plat approved and recorded pursuant to the provisions of the Chesterfield County Subdivision Ordinance where such lots contain less than 11,500 square feet. If the written notice is provided by first class mail, the director of planning shall make affidavit that the mailings have been made and file the affidavit with the papers in the case. If the public hearing is continued or deferred to a date that has not previously been advertised, notice shall be remailed. If the public hearing is continued or

deferred to a date that has been previously advertised or if the public hearing is closed and the decision deferred to a later date, notice need not be remailed.

- (3) With regard to any action referred to in sections 19-16 and 19-17, written notice of any public hearing on an application to amend a zoning condition or rezone property shall be given to the last known representatives of all civic associations on the Civic Association Notice List filed with the planning department operating within the area encompassed by the property which is subject to the original zoning or condition and to all property owners of record with the assessor's office whose property was subject to the original zoning or condition and whose property is located within 1,500 feet of the property which is the subject of the application.

(d) When a proposed comprehensive plan or amendment thereto, a proposed change in zoning district map classification, an application for creation of a historic district or the designation of landmarks and landmark sites or an application for special exception or variance involves any parcel of land located within one-half mile of a boundary of an adjoining county or municipality, then, in addition to the advertising and written notification required above, written notice shall also be given at least ten days before the hearing to the chief administrative officer or his designee, of such adjoining county or municipality.

(e) When (i) a proposed comprehensive plan or amendment thereto, (ii) an application for zoning approval, (iii) an application for interpretation of the district map to the board of zoning appeals, (iv) an application for creation of a historic district, or (v) the designation of landmark and landmark sites, involves any parcel of land located within 3,000 feet of a boundary of a military base, military installation, military airport, excluding armories operated by the Virginia National Guard or licensed public-use airport, then, in addition to the advertising and written notification as above required, written notice shall also be given by the local commission, or its representative, at least 10 days before the hearing to the commander of the military base, military installation, military airport, or owner of such public-use airport, and the notice shall advise the military commander or owner of such public-use airport of the opportunity to submit comments or recommendations.

(f) Posting and notification of adjacent property owners, as outlined in this section, shall not be required when:

- (1) The hearing involves an application for zoning approval of 26 or more parcels of land initiated by resolution of the planning commission or board of supervisors; or
- (2) On appeal when the appeal involves 26 or more parcels of land; or

(3) The hearing involves an appeal concerning no specific property.

(g) A party shall be deemed to have waived the right to challenge the validity of proceedings for which written notice is required if the party does not receive the required written notice, but the party has actual notice of, or actively participates in, the proceedings.

(2) That this ordinance shall become effective immediately upon adoption.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

16.F. TO CONSIDER AN ORDINANCE TO VACATE A FIFTY-FOOT UNIMPROVED RIGHT OF WAY WITHIN TRENTS FARM SUBDIVISION

Mr. Stith stated this date and time has been advertised for a public hearing for the Board to consider an ordinance to vacate a 50-foot unimproved right of way within Trents Farms Subdivision.

Mr. Barber called for public comment.

No one came forward to speak to the ordinance.

On motion of Mrs. Humphrey, seconded by Mr. Barber, the Board adopted the following ordinance:

AN ORDINANCE whereby the COUNTY OF CHESTERFIELD, VIRGINIA, ("GRANTOR") vacates to THOMAS W. MEARS and SUSAN S. MEARS, husband and wife, ("GRANTEE"), a 50' unimproved right of way within Trents Farms Subdivision, Matoaca Magisterial District, Chesterfield County, Virginia, as shown on a plat thereof duly recorded in the Clerk's Office of the Circuit Court of Chesterfield County in Plat Book 26, at Page 52.

WHEREAS, THOMAS W. MEARS and SUSAN S. MEARS, petitioned the Board of Supervisors of Chesterfield County, Virginia to vacate a 50' unimproved right of way within Trents Farms Subdivision, Matoaca Magisterial District, Chesterfield County, Virginia more particularly shown on a plat of record in the Clerk's Office of the Circuit Court of said County in Plat Book 26, Page 52, by CHARLES C. TOWNES & ASSOCIATES, dated APRIL 30, 1976, and recorded MAY 19, 1976. The right of way petitioned to be vacated is more fully described as follows:

A 50' unimproved right of way within Trents Farms Subdivision, the location of which is more fully shown on a plat made by CHARLES C. TOWNES & ASSOCIATES, dated APRIL 30, 1976, a copy of which is attached hereto and made a part of this Ordinance.

WHEREAS, notice has been given pursuant to Section 15.2-2204 of the Code of Virginia, 1950, as amended, by advertising; and

WHEREAS, no public necessity exists for the continuance of the right of way sought to be vacated.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF CHESTERFIELD COUNTY, VIRGINIA:

That pursuant to Section 15.2-2272 of the Code of Virginia, 1950, as amended, the aforesaid right of way be and is hereby vacated.

This Ordinance shall be in full force and effect in accordance with Section 15.2-2272 of the Code of Virginia, 1950, as amended, and a certified copy of this Ordinance, together with the plat attached hereto shall be recorded no sooner than thirty days hereafter in the Clerk's Office of the Circuit Court of Chesterfield County, Virginia pursuant to Section 15.2-2276 of the Code of Virginia, 1950, as amended.

The effect of this Ordinance pursuant to Section 15.2-2274 is to destroy the force and effect of the recording of the portion of the plat vacated. This Ordinance shall vest fee simple title of the right of way hereby vacated in the owners of Lot 5, Block B, within Trents Farms Subdivision, free and clear of any rights of public use.

Accordingly, this Ordinance shall be indexed in the names of the COUNTY OF CHESTERFIELD as GRANTOR, and THOMAS W. MEARS and SUSAN S. MEARS, or their successors in title, as GRANTEE.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

16.G. TO CONSIDER AN ORDINANCE TO VACATE A PORTION OF A SIXTEEN-FOOT DRAINAGE EASEMENT ACROSS LOT 16, AMBERLEIGH, SECTION 2

Mr. Stith stated this date and time has been advertised for a public hearing for the Board to consider an ordinance to vacate a portion of a 16-foot drainage easement across Lot 16, Amberleigh, Section 2.

Mr. Barber called for public comment.

No one came forward to speak to the ordinance.

On motion of Mr. Warren, seconded by Mr. Barber, the Board adopted the following ordinance:

AN ORDINANCE whereby the COUNTY OF CHESTERFIELD, VIRGINIA, ("GRANTOR") vacates to AMBERLEIGH, LLC, a Virginia limited liability company, ("GRANTEE"), a portion of a 16' drainage easement across Lot 16, Amberleigh, Section 2, CLOVER HILL Magisterial District, Chesterfield County, Virginia, as shown on a plat thereof duly recorded in the Clerk's Office of the Circuit Court of Chesterfield County in Plat Book 142, at Page 71.

WHEREAS, AMBERLEIGH, LLC, petitioned the Board of Supervisors of Chesterfield County, Virginia to vacate a

portion of a 16' drainage easement across Lot 16, Amberleigh, Section 2, CLOVER HILL Magisterial District, Chesterfield County, Virginia more particularly shown on a plat of record in the Clerk's Office of the Circuit Court of said County in Plat Book 142, Page 71, by BALZER & ASSOCIATES, INC., dated MARCH 1, 2004, and recorded MAY 24, 2005. The portion of easement petitioned to be vacated is more fully described as follows:

A portion of a 16' drainage easement, across Lot 16, Amberleigh, Section 2, the location of which is more fully shown on a plat made by BALZER & ASSOCIATES, INC., dated AUGUST 2, 2005, a copy of which is attached hereto and made a part of this Ordinance.

WHEREAS, notice has been given pursuant to Section 15.2-2204 of the Code of Virginia, 1950, as amended, by advertising; and

WHEREAS, no public necessity exists for the continuance of the portion of easement sought to be vacated.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF CHESTERFIELD COUNTY, VIRGINIA:

That pursuant to Section 15.2-2272 of the Code of Virginia, 1950, as amended, the aforesaid portion of easement be and is hereby vacated.

This Ordinance shall be in full force and effect in accordance with Section 15.2-2272 of the Code of Virginia, 1950, as amended, and a certified copy of this Ordinance, together with the plat attached hereto shall be recorded no sooner than thirty days hereafter in the Clerk's Office of the Circuit Court of Chesterfield County, Virginia pursuant to Section 15.2-2276 of the Code of Virginia, 1950, as amended.

The effect of this Ordinance pursuant to Section 15.2-2274 is to destroy the force and effect of the recording of the portion of the plat vacated. This Ordinance shall vest fee simple title of the portion of easement hereby vacated in the owner of Lot 16, within Amberleigh, Section 2 free and clear of any rights of public use.

Accordingly, this Ordinance shall be indexed in the names of the COUNTY OF CHESTERFIELD as GRANTOR, and AMBERLEIGH, LLC, a Virginia limited liability company, or their successors in title, as GRANTEE.

Ayes: Barber, King, Humphrey, Miller and Warren.
Nays: None.

17. REMAINING MANUFACTURED HOME PERMITS AND ZONING REQUESTS

There were no remaining manufactured home permits and zoning requests.

18. ADJOURNMENT

On motion of Mr. King, seconded by Mrs. Humphrey, the Board adjourned at 11:29 p.m. until October 12, 2005 at 4:00 p.m.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

Lane B. Ramsey
County Administrator

Edward B. Barber
Chairman